



AGENDA
MANDAN CITY COMMISSION
MAY 17, 2011
ED "BOSH" FROELICH MEETING ROOM
5:30 P.M.
www.cityofmandan.com

-
- A. ROLL CALL:
1. Roll call of all City Commissioners and Department Heads.
- B. MINUTES:
1. Consider approval of minutes from the following meetings of the Board of City Commissioners:
 - i. May 2, 2011 – Special Meeting
 - ii. May 3, 2011 – Regular Meeting
 - iii. May 9, 2011 – Special Working Session
- C. PUBLIC HEARING:
1. Public Hearing to consider a 5-Year Ad Valorem tax exemption for Randy Rhone D/B/A Little Caesars
- D. BIDS:
- E. CONSENT AGENDA:
1. Consider approval of monthly bills
 2. Consider approval of Lakewood Commercial Park 5th Addition Zone Change. (*First reading of ordinance 1095.*)
 3. Consider appointment to the Mandan Airport Authority
 4. Consider proclamation designating the week of May 16-20, 2011 as Project Hope Week for the Bismarck Cancer Center.
 5. Consider request of budget amendment from the Mandan Police Department for funding from the Alarm Fund
 6. Consider budget amendment from WWTP for purchase of capital outlay
 7. Consider for approval the applications for beer garden and street dance events.
 8. Consider approval of the following site authorizations for the Cystic Fibrosis Association of ND from July 1, 2011 through June 30, 2012:
 - i. Colonial Lounge
 - ii. Roundup Bar & Grill
 - iii. Stage Stop
- F. OLD BUSINESS:
1. Consider offer for 116 E Main Street

G. NEW BUSINESS:

1. Consider Growth Fund Committee recommendations on Storefront Improvement applications
 - i. 308 W Main – Harvest, LLC
 - ii. 318 W Main – Dennis Kwandt
 - iii. 320 W Main – Dennis Kwandt
 - iv. Extension for Silver Dollar Bar
2. Consider Growth Fund Committee recommendation on Restaurant Incentive application
 - i. Harvest Brazilian Grill – 308 W Main
3. Consider Renaissance Zone Committee recommendations
 - i. Rehabilitation of 318 W Main – Dennis Kwandt
 - ii. Rehabilitation of 320 W Main – Dennis Kwandt
 - iii. Lease of 320 W Main by Bird Dog Brewing Co.
 - iv. Rehabilitation of 308 W Main – Harvest LLC
 - v. Policy establishing deadlines for projects
4. Consider Budget Policy recommendations from the Budget Committee.
5. Consider Growth Fund Committee recommendation for 5-Year Ad Valorem tax exemption for Randy Rhone D/B/A Little Caesars
6. Consider for approval, a request for City cooperation for the Rodeo Days and Buggies N Blues Events.
7. Consider a request to the Finance Committee related to debt management.
8. Consider the creation of, approve the feasibility report for and authorize the advertisement of the Resolution of Necessity for Street Improvement District No. 161 Areas Project # 2010-03. (Dianes Area).

H. RESOLUTIONS & ORDINANCES:

1. *Consider first reading of Ordinance No. 1095 Zone Change for Lakewood Commercial Park 5th – An ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code relating to District Boundaries and Zoning Map.*
2. Consider a Resolution of Amendment Authorizing the Issuance of Sewer Improvement Interim Certificates of 2008, Series A and Sewer Improvement Revenue Bonds of 2008, Series A, and the State Revolving Fund Program Loan Agreement with the North Dakota Public Finance Authority for Improvements at the Wastewater Treatment Facility.

I. OTHER BUSINESS:

J. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. June 7, 2011
2. June 21, 2011
3. July 5, 2011 – 5 p.m. start

*Agenda
Mandan City Commission
May 17, 2011
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K. ADJOURN

Departmental planning meeting will be held the Monday prior to the Commission meeting, all Commissioners are invited, noon, Dykshoorn Conference Room. Please notify the city administrator by 8:30 a.m. that Monday if you plan on attending. If more than two commissioners plan on attending, proper public notice must be given.

The Mandan City Commission met in special session at 12:12 p.m. on Monday, May 2, 2011 in the Conference Room at the Seven Seas & Hotel. Commissioners present were: Frank, Tibke, Jackson, Rohr, and Helbling. Department Heads present were Business Development and Communications Director Huber, City Administrator Neubauer, and City Attorney Brown. Also present were Cole Higlin – Director Mandan Parks & Rec., Judy Sauter – BMDA, Richard Mower – BMDA, Russ Staiger – BMDA, Rickey Hayes – Retail Attractions, LLC, Kate – Retail Attractions, LLC, Mandy Vavrinak – Crossroads Communications, and LeAnn Eckroth – Bismarck Tribune.

NEW BUSINESS:

1. *Discussion with representatives of Retail Attractions Inc. regarding retail opportunities in Mandan:* Rickey Hayes, Kate, of Retail Attractions, LLC; and Mandy Vavrinak, of Crossroads Communications gave a presentation to the Commission and the public detailing the potential retail opportunities in Mandan. One of Rickey Hayes' biggest challenges in the role that they have is to help cities understand reality in the economic world in which we live today. Especially in the ebbs and flows of the national economy. The reality of where he sees Mandan is remarkably positioned and very "under retailed".

Business Development and Communications Director Huber indicated that she wasn't sure if they had indicated to the Commissioners previously how Retail Attractions Inc. was contacted. Our community came up when Mandy Vavrinak of Crossroads Communications was looking for comparable size cities about services. Ms. Vavrinak mentioned that they pulled demographics of Mandan as part of a compare study that they do as part of their assessments. They were looking for a community that was a suburb of another major city that was connected by a highway but was had physical barriers from it like Mandan. There were numerous threads of what we have that came to their attention:

- Housing growth
- Increasing population instead of decreasing
- Available land
- Access - Highway
- Negative retail situation – under retailed
- Building single family, entry and luxury homes

Their role is a complimentary role to the Business Development and Communications Director and City Administrator. They have the ability to get behind the scenes with their contacts which the cities are unable to do with the retail professionals. One of the best places to do this is the big retail show in Las Vegas. He has the experience and has been contacted by his retail contacts to go over his "cities". They know that any cities that go through Ricky know the long term processes are determined to get retail in their areas. This makes for a smooth and simple process for the retailers. A shorter "Dirt to doors open" time is money for the retailers. The retailers are now coming to them.

Representatives had been on a tour of Mandan this morning and after this tour, they want to assure us that they are a good fit for our city and believe they can assist in bringing retail which includes restaurant and hoteliers to Mandan. Confidentiality is important to them. City Attorney Malcolm Brown mentioned North Dakota's strict Open Records laws that need to be considered. They agreed that was important to them as well.

The consultants were to finish their tour of Mandan and Bismarck in the afternoon.

Within the next few weeks they will be gathering and analyzing data they have received and putting together a packet of information to carry with them to the largest retail real estate convention in the world in Las Vegas at the end of May.

OTHER BUSINESS:

There being no further actions to come before the Board, Commissioner Frank moved to adjourn the meeting. Commissioner Jackson seconded the motion. The motion received unanimous approval of the Board members present and the meeting adjourned at 1:26 p.m.

James Neubauer,
City Administrator

Timothy A. Helbling,
President, Board of City
Commissioners

The Mandan City Commission met in regular session at 5:30 p.m. on May 3, 2011 in the Ed “Bosh” Froehlich Room at City Hall. Commissioners present were Helbling, Tibke, Rohr, Frank and Jackson. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development and Communications Director Huber, Engineering Project Manager Bechtel, and City Assessor Barta.

MINUTES: *Consider approval of the minutes for April 19, 2011, Meeting of the Board of City Commissioners.* Commissioner Tibke moved to approve the minutes as presented. Commissioner Jackson seconded the motion. The motion received unanimous approval of the members present.

PUBLIC HEARING:

1. *A Public Hearing to consider for approval the resolution to vacate the utility easement located between Lots 8 & 9, Block 2 as platted in Nicola’s 4th Addition.* Engineering Project Manager Bechtel reviewed with the Board a request from the American Lutheran Church to approve a resolution to vacate the utility easement located between Lots 8 & 9 Block 2, Nicola’s Addition, in order to add on to the church property. It will require a 10 foot easement on the west side of the property. The utility company’s have been notified. Bechtel recommend approval to vacate the easement.

Commissioner Jackson questioned if the easement will be moved to the west side of the building. Bechtel stated that MDU has indicated approval of the move.

Mayor Helbling asked for comments from the audience. A second request for comments was made. Hearing none, the public hearing was closed.

Commissioner Jackson moved to approve the resolution to vacate the utility easement located between Lots 8 & 9, Block 2 as platted in Nicola’s 4th Addition. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

2. *A Public Hearing to determine the sufficiency of protests for Street Improvement District No. 165, (14th Street NW).* Engineering Project Manager Bechtel stated that the opportunity to protest the special assessments for the property closed on April 18, 2011. There were two letters in opposition of District 165 representing less than 1% of the district that is eligible to be special assessed for benefits of the project. That is below the 50% required to protest out the district. Bechtel requested moving forward with this project.

Mayor Helbling asked for comments from the audience.

Jason Tomanek, 608 13th Street Northwest came forward and stated that he was one of the individuals who provided a letter regarding this project. He stated that he would like

to take this opportunity to encourage the City to consider opportunities such as this in the future. In particular, 14th street is identified by the Metropolitan Planning Organization as a collector roadway that carries a significant amount of traffic efficiently. However, he stated he feels there are some faults that could be addressed with this street. The roadway is @ 44' / 45' drive-line section curb to curb. It allows for sufficient parking and traffic movement in both directions. This street is located in a residential neighborhood and is adjacent to an elementary school. It is his opinion that this is a missed opportunity to calm traffic movements, help to mitigate snow removal efforts in the area, and also an opportunity to provide grass boulevards, etc. This is a good chance to consider things like this in the future. He suggested that if the City does consider improvements such as this status quo, neighborhoods would find it more appealing and also have an impact on overall budgets such as snow removal efforts. In summary, Tomanek requested the Board consider his suggestions in the future when projects such as this come up by querying such neighborhoods when a project is being designed as opposed to when bids are out and it is too late for input.

Commissioner Jackson extended a thank you to Mr. Tomanek for voicing his concerns and coming forward to explain his position. Mayor Helbling concurred with Commissioner Jackson and indicated to Mr. Tomanek that if the situation involved a whole new street project that his opinion would be taken under advisement. However, this is a regular maintenance project for routine repair work.

Mayor Helbling asked for any other comments from the public. Hearing none, this portion of the hearing was closed.

Commissioner Jackson moved to approve the sufficiency of protests for Street Improvement District No. 165, (14th Street NW). Commissioner Tibke seconded the motion.

Commissioner Frank mentioned that she has been hesitant throughout this project concerning the rehabbing of 14th Street. She shares a neighborhood with Mr. Tomanek and she also has a concern about the storm runoff part of the project that in two years will involve tearing up the street that is being repaired this year. She requested Engineering Project Manager Bechtel explain this. Bechtel replied that they have looked at possibly sending that storm sewer from the 2nd Avenue Northwest area to the west to approximately the school to pick up some of the additional water. That's approximately 1,100 feet of storm sewer that would have to be put in, for an approximate cost of \$1M to complete that. It would have to be put to a protest in a district. Other options indicate that the storm sewer would be brought up from the school location on 7th Street by Mandan High School to the north to 14th Street and Sunset. The engineers at Houston Engineering indicated it would be possible and it would take a lot of water off the current 14th Street that comes down towards the school heading to the east. It would be approximately 750 feet of storm sewer that would have to be extended to the east as opposed to 1,100 feet, so there would be a cost savings there. There may be a small trench that would have to be dug and that trench is proposed for the year 2013. There is a piece that would have to be opened back up in the future to accommodate that.

Commissioner Frank concurred with Mr. Tomanek's presentation in regards to safety on the street. She inquired if it would make sense to wait on this project based on the discussion tonight. Bechtel stated that there is another project in that area scheduled and it is a good idea to maintain these streets at this time. He reviewed the cost estimates if the street was to be reconstructed rather than maintained indicating the costs would be substantially more for a reconstruction project.

Mayor Helbling commented that it is his opinion that street maintenance on this project if it were to wait another two years, could be detrimental to the street that is there.

Commissioner Jackson asked Mr. Bechtel about the second option that he proposed coming in from Sunset Drive, approximately how much would that cost? That two block area? Bechtel estimated it would be approximately \$600,000 - \$700,000.

Mayor Helbling stated there is a motion and a second before the Board. Commissioner Tibke inquired what would happen if the bid is rejected and they turn the project.

Bechtel replied there are two options if it is decided to not award the bid:

- (1) Continue to go with maintenance and it would be completely funded by the city and that option is available with a re-construction and the whole project would be special assessed.
- (2) Take it off the schedule and if we decide to do something with federal funds in the future we would have to put it back on the Urban Roads list which, depending on their funding, could be at least 2 to 4 years out. Once we get that indication we would have the appropriate money to do a reconstruction and then there would be 1-2 year environmental document and the design before the project would be bid. So it would be 4-7 years before another project could be put on.

Commissioner Tibke inquired as to how long before the road would not be too far gone before the City would have to spend a lot of money fixing it. Bechtel replied that some work needs to be done between 6th and 14th Street. It will be continuous maintenance for Public Works. Mayor Helbling commented that 14th Street was not on the Urban Road list years ago, but the City pushed hard to get it on there. He stated it would not be a wise decision at this point to put it off. Commissioner Rohr commented that the "federal dollar" will be competitive for infrastructure money throughout all the states due to economic reasons and there may not be accessibility to that federal money at a later time. Commissioner Frank suggested to the commissioners to consider what Mr. Tomanek presented and to think a little farther forward than is normally done while taking into consideration the risks involved.

Mayor Helbling stated that there is a motion and a second on the floor. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: No; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

BIDS:

1. *Consider award of bids for Street Improvement District #165 (14th Street NW).*

Engineering Project Manager Bechtel reviewed the bids received on this project. He stated that there was an engineer's estimate of \$509,414.40 and the low bid of \$529,937.80 was received from Northern Improvement @ \$20,000 over the engineer's estimate most likely due to the increase in oil prices. Notices were sent to homeowners with a range of what the estimated specials will be. Bechtel stated that he would support the bid award to Northern Improvement as the low bidder.

Commissioner Tibke moved to approve the bid for Street Improvement District #165 (14th Street NW) to Northern Improvement in the amount of \$529,937.80. Commissioner Jackson seconded the motion.

Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: No; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

CONSENT AGENDA:

1. *Consider approval of the replat of Big Sky 3rd Addition.* The Board approved of the replat of Big Sky 3rd Addition.
2. *Consider approval of the plat of Lakewood Commercial Park 5th Addition.* The Board approved of the plat of Lakewood Commercial Park 5th Addition.
3. *Consider proclamation designating May 12, 2011 as Arbor Day in the City of Mandan.* The Board approved of the proclamation designating May 12, 2011 as Arbor Day in the City of Mandan.
4. *Consider approval of Sunday openings for the Silver Dollar Bar for June 12, 2011 and July 3, 2011.* The Board approved of the Sunday openings for the Silver Dollar Bar for June 12, 2011 and July 3, 2011.
5. *Consider approval of Games of Chance for Saidin Shrine Unit (El Zagal Shrine) for May 4, 2011 to August 30, 2011.* The Board approved of Games of Chance for Saidin Shrine Unit (El Zagal Shrine) for May 4, 2011 to August 30, 2011.
6. *Consider a resolution of appreciation for Dave Ressler.* The Board approved of a resolution of appreciation for Dave Ressler.
7. *Consider for approval, the requests submitted by the Mandan Progress Organization for the Mandan Sports & Recreation Show.* The Board approved of the requests submitted by the Mandan Progress Organization for the Mandan Sports & Recreation Show.
8. *Consider approval of the following site authorizations for American Foundation for Wildlife at Dean's Steak House: (i) May 9, 2011 through June 30, 2011 and (ii) July 1, 2011 through June 30, 2012.* The Board approved of the site authorizations for American Foundation for Wildlife at Dean's Steak House: (i) May 9, 2011 through June 30, 2011 and (ii) July 1, 2011 through June 30, 2012.
9. *Consider approval of the annual (July 1, 2011 through June 30, 2012) site authorizations for the Mandan Hockey Club located at Vicky's Bar, The Silver Dollar, The Ridge Motel, and the Old Town Tavern.* The Board approved of the annual (July 1, 2011 through June 30, 2012) site authorizations for the Mandan Hockey Club located at Vicky's Bar, The Silver Dollar, The Ridge Motel, and the Old Town Tavern.

Commissioner Rohr moved to approve the Consent Agenda as presented. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present.

OLD BUSINESS:

NEW BUSINESS:

1. Consider proposals for city-owned properties received by Oaktree Realtors. Pat Maddock, Oaktree Realtors presented an update on the building at 116 East Main Street in which there has been an offer on the property that has been disclosed to the Board. Scott Johnson will be presenting that information. Maddock stated that the property has been listed for approximately 9 weeks. Ten parties have looked at it and only one offer has been submitted. One party expressed interest; however, after learning that a sprinkler system would be required, the party backed out. The feedback received has been concerning the location and that the cost of the repairs to be done in the building range from \$100,000 up to \$180,000. The location raises concern because there are no other retail businesses nearby. Maddock opened the floor for questions.

Commissioner Frank inquired about the popularity of “staging properties” and if there are any suggestions to better “stage” the property that may or may not include some investment into the property, including the sprinkler system. Are there any improvements the City can establish to make the property marketable? Maddock replied that with the roof leak, currently ongoing, one of the contractors felt that there would have to be some mold remediation done because of the roof leak. The other unknown with that is the floor joists with the main level and the apartments. It is unknown what condition they are in.

Commissioner Frank inquired if people are interested in rehabilitation of properties or if the interest is in turnkey property? Would it be beneficial to rehab the buildings versus letting interested parties do the repairs themselves? Maddock replied that the question came up about replacing the roof or bringing in sufficient water lines or sprinkler system and indicated that he is not sure if there would be any return on those upgrades. It would be one less item that a new buyer would have to deal with. Yet you would want to recoup those monies and that does not seem to be a viable solution.

City Attorney Brown commented that there is an offer on the property; however, he did not think a decision or counteroffer would have to be made at this meeting. He stated that an alternative would be for Administrator Neubauer, Business Development and Communications Director Huber, and he review the offer and discuss anything further with Scott Johnson. The information could be brought back to the next meeting.

Mayor Helbling stated that he agreed with Attorney Brown and if the sprinkler system would be taken on by the City, it should be available to everyone. He recommended that the matter be taken under advisement and that photographs be taken and that all commissioners are offered an opportunity to view the building.

Scott Johnson came forward to discuss the property. He stated that a main concern with the property is the fire code and the cost of installing a sprinkler system that will be needed on the property. He proposed cleaning up and dressing up this property may attract buyers to the corner lots for sale. He stated that he owns other properties and that he has a good knowledge of what rental prices would bring in. He stated that the price he offered is what is listed on the website, which is the value of the land and also saving the cost of tearing down the property. He provided estimates of what it would cost for the sprinkler system and he also has had discussions with Twin City Roofing as far as time frames and costs involved to put a new roof on the building of @ \$55,000. He reviewed comparable properties that have sold on Main Street indicating that his investment to improve the property would be at least \$100,000.

Mayor Helbling inquired that if the City accepted the offer from Mr. Johnson, what would the timeline of completion of the remodel project be? Johnson replied that it would be the “next day” indicating that the roofers are already booking through the summer. The sprinkler system would also have to be completed before any other remodeling could be done. He offered to put the money in an escrow account if the City would feel that would be appropriate in order to get the project moving forward immediately.

Commissioner Frank asked Mr. Johnson if he has plans to apply for incentives to offset the costs of the remodel. Johnson replied that he plans to take advantage of what is available through the Renaissance Zone and the Storefront Improvement Funds.

Commissioner Frank moved to accept the recommendation of City Attorney Brown to table this matter allowing City staff and Brown to investigate further and to present additional information after reviewing the offer at a future meeting. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

RESOLUTIONS & ORDINANCES:

OTHER BUSINESS:

1. *Mandan Sports & Recreation Show is scheduled for May 14, 2011:* Del Wetsch, Executive Director of the Mandan Progress Organization, invited the Board members to attend the events as planned.

There being no further actions to come before the Board, Commissioner Jackson moved to adjourn the meeting at 6:22 p.m. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

James Neubauer,
City Administrator

Timothy A. Helbling,
President, Board of City
Commissioners

The Mandan City Commission met in special working session at 5:30 p.m. on May 9, 2011 at the Lakewood Fire Station No. 2, 2009 40th Ave. SE, Conference Room. Commissioners present were Helbling, Tibke, Jackson, Frank, and Rohr. Department Heads present were City Attorney Brown, Engineering Project Manager Bechtel, City Administrator Neubauer, and Finance Director Welch. Citizen present was LeAnn Eckroth from the Bismarck Tribune.

NEW BUSINESS:

A. *Discussion:*

1. *Funding alternatives for special assessment projects and debt management.*

Discussion was held related to strategies to manage the debt load of the City of Mandan. Greg Welch informed the Commission that roughly 78% of the city's debt is scheduled to be paid off over the next 10 years and 94% within 15 years. Alternatives discussed include, mirroring the city of Bismarck's special assessment policy, shortening the time period from the standard 15 years to 12, 10 or 8 years, setting a maximum amount of debt the City would assume, and having developers assume more of the cost of new projects rather than having the city special assess the costs.

Commissioner Frank moved to recess for supper at 6:22 p.m. Commissioner Tibke seconded the motion. The motion received unanimous approval of the Board members present and the meeting was recessed.

The meeting reconvened at 6:36 p.m.

Discussion also occurred relative to projects that would require financing such as reconstruction of Sunset Drive, street maintenance in the Diane's addition and but not limited to repairs to the waste water treatment plant. Over the past 10-15 years the city has tackled several project that had been put off for many years, such as the reconstruction of Main Street, First Street, Old Red Trail, Collins Avenue, Mandan Avenue and numerous projects related to water plant infrastructure.

Commissioners suggested the alternatives be narrowed down for consideration and those alternatives would allow continued growth and at the same time retire debt.

There being no further actions to come before the Board, Commissioner Frank moved to adjourn the meeting at 8:00p.m. Commissioner Jackson seconded the motion. The motion received unanimous approval of the Board members present and the meeting adjourned.

James Neubauer,
City Administrator

Timothy A. Helbling,
President, Board of City
Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 17, 2011
PREPARATION DATE: May 9, 2011
SUBMITTING DEPARTMENT: Assessing Dept
DEPARTMENT DIRECTOR: Richard L Barta
PRESENTER: Richard L Barta
SUBJECT: 5-Year Ad Valorem Tax Exemption for
Randy Rhone D/B/A Little Caesars

STATEMENT/PURPOSE: To consider a five year tax exemption for a commercial structure pursuant to North Dakota Century Code 40-57.1.

BACKGROUND/ALTERNATIVES: Mr. Rhone is asking for an exemption for the construction of a new commercial structure. The Notice to Competitors was published in the April 15th and April 22nd editions of the Mandan News and no competitors have submitted a written protest.

The Mandan Growth Fund Committee reviewed the project during a meeting on May 11 and voted unanimously (5-0 with 4 members absent) to recommend approval of the 100%, five-year tax exemption with the contingency that the exemptions above the 75%, 50% and 25% allowed by policy in years 3, 4, and 5 be granted upon verifying the creation of at least one full-time job equivalent for each \$100,000 in building value subject to the exemption. In this case, that would appear to be five jobs created by the end of year 2 and sustained through year 5.

Also, the County, the School District and the Park District were given notification of this exemption on April 4th and again on May 6th.

Description of project: A multiple unit commercial building that will house Little Caesars pizza and with approximately 2,000 sf available for lease to another business.

Number of jobs to be created: Proposing 10-20 by the end of the 5th year.

This parcel is also known as Parcel #8136-A at 310 6 Ave SE in the Fischer's addition.

ATTACHMENTS: Application.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 17, 2011

Subject: 5-Year Ad Valorem Tax Exemption for Randy Rhone D/B/A Little Caesars

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FISCAL IMPACT: Approximately \$10,250.00 per year.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of the requested exemption for Mr. Rhone due to meeting all requirements under state statute and by also receiving a recommendation for approval from the Mandan Growth Fund Committee.

SUGGESTED MOTION: I recommend a motion to approve the request by Mr. Rhone to receive a five year tax exemption for a newly constructed commercial building due to meeting all criteria under North Dakota Century Code 40-57.1, noting that the exemptions above the 75%, 50% and 25% allowed by policy in years 3, 4, and 5 be contingent upon creating and sustaining at least one full-time job equivalent for each \$100,000 in building value subject to the exemption.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 17, 2011

Subject: 5-Year Ad Valorem Tax Exemption for Randy Rhone D/B/A Little Caesars

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(May 17th)

#8136-A

Reed

4-4-2011

PRAIRIE VIEW PROPERTIES LLP

3001 Plainview Dr SE
Mandan, ND 58554
Phone (701) 471-9451
Fax (701) 751-0163
Bullmrket@yahoo.

April 4, 2011

Jim Neubauer
City Administrator
205 Second Ave NW
Mandan, ND 58554

Hello Jim,

Here is our application for a property tax exemption. We're planning on building a 3650 sq ft building on the North East Corner of 6th Ave SE and 3rd Street SE (Directly South of Spirit of Life Church). In this new building we would put our Little Caesar Pizza which would occupy 1750 sq ft. The remaining 1900 sq ft would be leased out to another business that would compliment Little Caesars. There is interest in this space by a catering company, video store, sandwich shop, and a cellular company. Little Caesars will employ roughly 20 employees and the lease space should create jobs for 10-20 people. The estimated cost for the building project is \$500,000. Being residents of Mandan we're very excited about opening a Little Caesars here. Please let us know if any other information is needed for the property tax exemption.

Sincerely,



Randy Rhone
Managing Partner

**Application For Property Tax Incentives For
New or Expanding Businesses**

Pursuant to N.D.C.C. Chapter 40-57.1

Project Operator's Application To Mandan
City or County

File with the City Auditor for a project located within a city; County Auditor for locations outside of city limits.

A representative of each affected school district and township is included as a non-voting member in the negotiations and deliberation of this application.

This application is a public record

Identification Of Project Operator

1.	Name of project operator	<u>Praire View Properties LLP</u>	
2.	Address of project	<u>North East Corner of 6th Ave SE and 3rd Sreet SE</u>	
	City	<u>Mandan</u> County <u>Morton</u>	
3.	Mailing address of project operator	<u>3001 Plainview Dr SE</u>	
	City	<u>Mandan</u> State <u>ND</u> Zip <u>58554</u>	
4.	Type of ownership of project		
	<input type="checkbox"/> Partnership	<input type="checkbox"/> Subchapter S corporation	<input type="checkbox"/> Individual proprietorship
	<input type="checkbox"/> Corporation	<input type="checkbox"/> Cooperative	<input checked="" type="checkbox"/> Limited liability company
5.	Federal Identification No. or Social Security No.	<u>27-3131989</u>	
6.	North Dakota Sales and Use Tax Permit No.	_____	
7.	If a corporation, specify the state and date of incorporation	_____	
8.	Name and title of individual to contact	<u>Randy Rhone- Managing Partner</u>	
	Mailing address	<u>3001 Plainview Dr SE</u>	
	City, State, Zip	<u>Mandan, ND 58554</u> Phone No. <u>701-471-9451</u>	

Project Operator's Application For Tax Incentives

9.	Indicate the tax incentives applied for and terms. Be specific.	
	<input checked="" type="checkbox"/> Property Tax Exemption	<input type="checkbox"/> Payments In Lieu of Taxes
	<u>5</u> Number of years	_____ Beginning year _____ Ending year
	<u>100</u> Percent of exemption	_____ Amount of annual payments (attach schedule if payments will vary)
10.	Which of the following would better describe the project for which this application is being made:	
	<input checked="" type="checkbox"/> New business project	<input type="checkbox"/> Expansion of a existing business project

Description of Project Property

11. Legal description of project real property <div style="border: 1px solid black; padding: 5px;">The Southerly 150' of the Westerly 200 feet of lot 2, Block 1, Fischer's First Addition to the City of Mandan; 65-1064100</div>	
12. Will the project property be owned or leased by the project operator? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator? <input type="checkbox"/> Yes <input type="checkbox"/> No If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.	
13. Will the project be located in a new structure or an existing facility? <input checked="" type="checkbox"/> New construction <input type="checkbox"/> Existing facility If existing facility, when was it constructed? _____ If new construction, complete the following: a. Estimated date of commencement of construction of the project covered by this application <u>May 1, 2011</u> b. Description of project to be constructed including size, type and quality of construction <div style="border: 1px solid black; padding: 5px;">50'X75'- 3650 sq ft wood framed building w/ Dryvit, Brick, and Metal Exterior.</div> c. Projected number of construction employees during the project construction <u>25</u>	
14. Approximate date of commencement of operations for this project <u>Sept 1</u>	
15. Estimated market value of the property used for this project: a. Land \$ <u>50,000</u> b. Existing buildings and structures for which an exemption is claimed \$ _____ c. Newly constructed buildings and structures when completed \$ <u>500,000</u> d. Total \$ <u>550,000</u> e. Machinery and equipment \$ <u>150,000</u>	16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent: a. Land (not eligible)  b. Eligible existing buildings and structures \$ _____ c. Newly constructed buildings and structures when completed \$ <u>25,000</u> d. Total taxable valuation of property eligible for exemption (Add lines b and c) \$ <u>25,000</u> e. Enter the consolidated mill rate for the appropriate taxing district <u>0.41</u> f. Annual amount of the tax exemption (Line d multiplied by line c) \$ <u>10,250.00</u>

Description of Project Business

Note: "project" means a newly established business or the expansion portion of an existing business. Do not include any established part of an existing business.

17. Type of business to be engaged in: Ag processing Manufacturing Retailing
 Wholesaling Warehousing Services

18. Describe in detail the activities to be engaged in by the project operator, including a description of any products to be manufactured, produced, assembled or stored (attach additional sheets if necessary).

Leasing 1750sq ft to Little Caesars Carry Out Pizza and 2000 sq ft to another business (not yet known)

19. Indicate the type of machinery and equipment that will be installed

Ovens, Coolers, Dough Making Equipment

20. Projected annual revenue, expense, and net income of the project for each year for the first five years.

Year	1	2	3	4	5
Annual revenue	45000	45000	45000	45000	45000
Annual expense	40000	40000	40000	40000	40000
Net income	5000	5000	5000	5000	5000

21. Projected annual average number of persons to be employed by the project at the project location for each year for the first five years and the estimated annual payroll.

Year	1	2	3	4	5
No. of Employees	(1) 5	5	5	5	5
	(2) 15	15	15	15	15
Estimated payroll	(1) 90,000	90,000	90,000	90,000	90,000
	(2) 110,000	110,000	110,000	110,000	110,000

(1) - full time
 (2) - part time

Previous Business Activity

22. Is the project operator succeeding someone else in this or a similar business? Yes No

23. Has the project operator conducted this business at this or any other location either in or outside of the state?
 Yes No

24. Has the project operator or any officers of the project received any prior property tax incentives? Yes No

If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).

Board of City Commissioners

Agenda Documentation

Meeting Date: May 17, 2011

Subject: 5-Year Ad Valorem Tax Exemption for Randy Rhone D/B/A Little Caesars

Page 7 of 7

Business Competition

25. Is any similar business being conducted by other operators in the municipality? Yes No

If YES, give name and location of competing business or businesses

Pizza Hut, Pizza Ranch, A&B Pizza, Dominos, Papa Murphys

Property Tax Liability Disclosure Statement

26. Does the project operator own real property in North Dakota which has delinquent property tax levied against it? Yes No

27. Does the project operator own a greater than 50% interest in a business that has delinquent property tax levied against any of its North Dakota real property? Yes No

If the answer to 26 or 27 is Yes, list and explain

Use Only When Reapplying

28. The project operator is reapplying for property tax incentives for the following reason(s):

To present additional facts or circumstances which were not presented at the time of the original application

To request continuation of the present property tax incentives because the project has:

- moved to a new location
- had a change in project operation or additional capital investment of more than twenty percent
- had a change in project operators

To request an additional annual exemption for the year of _____ on structures owned by a governmental entity and leased to the project operator. (See N.D.C.C. § 40-57.1-04.1)

Notice to Competitors of Hearing

Prior to the hearing, the applicant must present to the governing body of the county or city a copy of the affidavit of publication giving notice to competitors unless the municipality has otherwise determined there are no competitors.

I, Randy Rhone, do hereby certify that the answers to the above questions and all of the information contained in this application, including attachments hereto, are true and correct to the best of my knowledge and belief and that no relevant fact pertaining to the ownership or operation of the project has been omitted.

Randy Rhone Signature Managing partner Title 4/4/11 Date

In compliance with the Federal Privacy Act of 1974, Public Law 93-579, the disclosure of the individual's social security number on this form is mandatory pursuant to North Dakota Century Code §§ 40-57.1-03 and 40-57.1-07. An individual's social security number is used as an identification number by the Office of State Tax Commissioner for file control purposes and record keeping.

Certification of Governing Body (To be completed by the Auditor of the City or County)

The municipality shall, after granting any property tax incentives, certify the findings to the State Tax Commissioner and Director of Tax Equalization by submitting a copy of the project operator's application with the attachments. The governing body, on the _____ day of _____, 20____, granted the following:

- Property Tax Exemption** **Payments in lieu of taxes**
- _____ Number of years _____ Beginning year _____ Ending year
- _____ Percent of exemption _____ Amount of annual payments (Attach schedule if payments will vary)

Auditor

Reid
4-4-2011

PRAIRIE VIEW PROPERTIES LLP

3001 Plainview Dr SE
Mandan, ND 58554
Phone (701) 471-9451
Fax (701) 751-0163
Bullmrket@yahoo.

April 4, 2011

Jim Neubauer
City Administrator
205 Second Ave NW
Mandan, ND 58554

Hello Jim,

Here is our application for a property tax exemption. We're planning on building a 3650 sq ft building on the North East Corner of 6th Ave SE and 3rd Street SE (Directly South of Spirit of Life Church). In this new building we would put our Little Caesar Pizza which would occupy 1750 sq ft. The remaining 1900 sq ft would be leased out to another business that would compliment Little Caesars. There is interest in this space by a catering company, video store, sandwich shop, and a cellular company. Little Caesars will employ roughly 20 employees and the lease space should create jobs for 10-20 people. The estimated cost for the building project is \$500,000. Being residents of Mandan we're very excited about opening a Little Caesars here. Please let us know if any other information is needed for the property tax exemption.

Sincerely,



Randy Rhone
Managing Partner

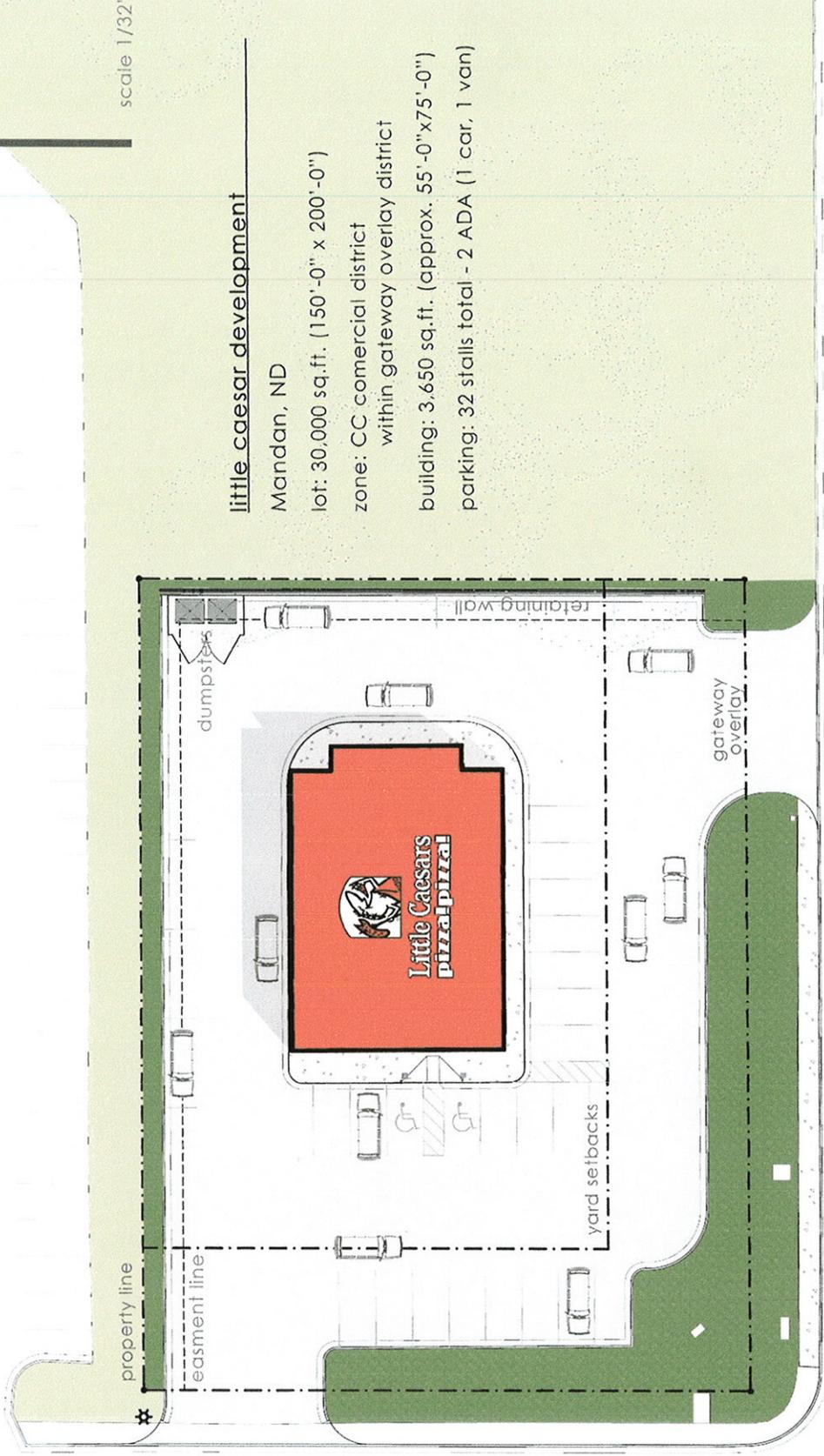
tesoro

cart

ip

6th avenue se

spirit of life church parking lot



scale 1/32

little caesar development

Mandan, ND

lot: 30,000 sq.ft. (150'-0" x 200'-0")

zone: CC commercial district
within gateway overlay district

building: 3,650 sq.ft. (approx. 55'-0" x 75'-0")

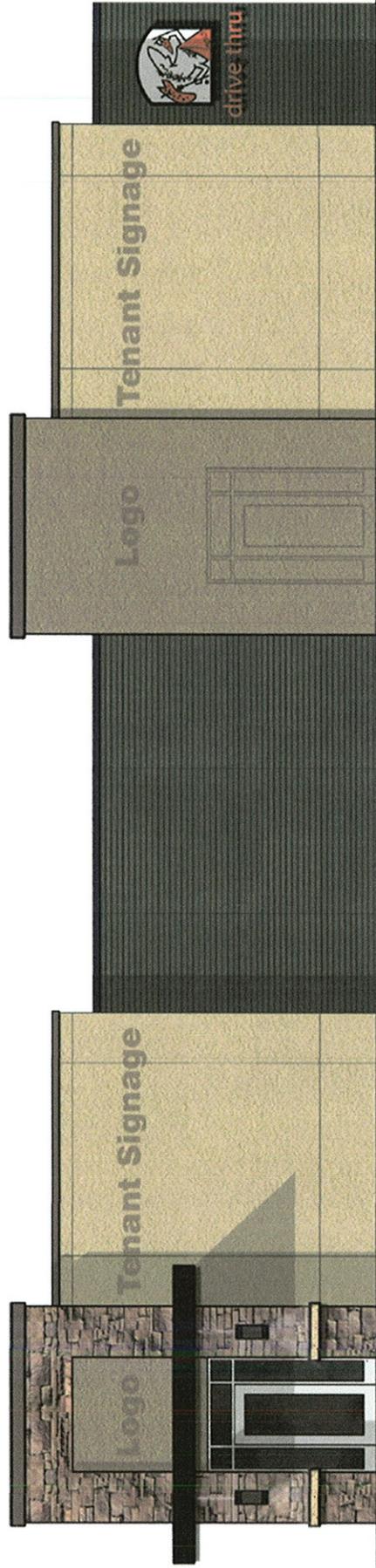
parking: 32 stalls total - 2 ADA (1 car, 1 van)

3rd street se

willowood mobile home park



WEST
elevation
scale 1/8" = 1'-0"



SOUTH
elevation
scale 1/8" = 1'-0"

wild | associates

500 2nd Avenue North | Suite 514
 Fargo, North Dakota 58102
 Phone 701 | 293 | 8106
 Fax 701 | 293 | 8119
 wildarch.com

lcd project owner: Randall Rhone
 July 13th 2010

Application For Property Tax Incentives For New or Expanding Businesses

Pursuant to N.D.C.C. Chapter 40-57.1

Project Operator's Application To Mandan
City or County

File with the City Auditor for a project located within a city; County Auditor for locations outside of city limits.

A representative of each affected school district and township is included as a non-voting member in the negotiations and deliberation of this application.

This application is a public record

Identification Of Project Operator

1.	Name of project operator	<u>Praire View Properties LLP</u>	
2.	Address of project	<u>North East Corner of 6th Ave SE and 3rd Sreet SE</u>	
	City	<u>Mandan</u> County <u>Morton</u>	
3.	Mailing address of project operator	<u>3001 Plainview Dr SE</u>	
	City	<u>Mandan</u> State <u>ND</u> Zip <u>58554</u>	
4.	Type of ownership of project		
	<input type="checkbox"/> Partnership	<input type="checkbox"/> Subchapter S corporation	<input type="checkbox"/> Individual proprietorship
	<input type="checkbox"/> Corporation	<input type="checkbox"/> Cooperative	<input checked="" type="checkbox"/> Limited liability company
5.	Federal Identification No. or Social Security No.	<u>27-3131989</u>	
6.	North Dakota Sales and Use Tax Permit No.	_____	
7.	If a corporation, specify the state and date of incorporation	_____	
8.	Name and title of individual to contact	<u>Randy Rhone- Managing Partner</u>	
	Mailing address	<u>3001 Plainview Dr SE</u>	
	City, State, Zip	<u>Mandan, ND 58554</u> Phone No. <u>701-471-9451</u>	

Project Operator's Application For Tax Incentives

9.	Indicate the tax incentives applied for and terms. Be specific.	
	<input checked="" type="checkbox"/> Property Tax Exemption	<input type="checkbox"/> Payments In Lieu of Taxes
	<u>5</u> Number of years	_____ Beginning year _____ Ending year
	<u>100</u> Percent of exemption	_____ Amount of annual payments (attach schedule if payments will vary)
10.	Which of the following would better describe the project for which this application is being made:	
	<input checked="" type="checkbox"/> New business project	<input type="checkbox"/> Expansion of a existing business project

Description of Project Property

11. Legal description of project real property

The Southerly 150' of the Westerly 200 feet of lot 2, Block 1, Fischer's First Addition to the City of Mandan;
65-1064100

12. Will the project property be owned or leased by the project operator? Owned Leased

If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator?
 Yes No

If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.

13. Will the project be located in a new structure or an existing facility? New construction Existing facility

If existing facility, when was it constructed? _____

If new construction, complete the following:

a. Estimated date of commencement of construction of the project covered by this application May 1, 2011

b. Description of project to be constructed including size, type and quality of construction

50'X75'- 3650 sq ft wood framed building w/ Dryvit, Brick, and Metal Exterior.

c. Projected number of construction employees during the project construction 25

14. Approximate date of commencement of operations for this project Sept 1

15. Estimated market value of the property used for this project:

a. Land \$ 50,000

b. Existing buildings and structures for which an exemption is claimed \$ _____

c. Newly constructed buildings and structures when completed \$ 500,000

d. Total \$ 550,000

e. Machinery and equipment \$ 150,000

16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent:

a. Land (not eligible) 

b. Eligible existing buildings and structures \$ _____

c. Newly constructed buildings and structures when completed \$ 25,000

d. Total taxable valuation of property eligible for exemption (Add lines b and c) \$ 25,000

e. Enter the consolidated mill rate for the appropriate taxing district 0.41

f. Annual amount of the tax exemption (Line d multiplied by line e) \$ 10,250.00

Description of Project Business

Note: "project" means a newly established business or the expansion portion of an existing business. Do not include any established part of an existing business.

17. Type of business to be engaged in: Ag processing Manufacturing Retailing
 Wholesaling Warehousing Services

18. Describe in detail the activities to be engaged in by the project operator, including a description of any products to be manufactured, produced, assembled or stored (attach additional sheets if necessary).

Leasing 1750sq ft to Little Caesars Carry Out Pizza and 2000 sq ft to another business (not yet known)

19. Indicate the type of machinery and equipment that will be installed

Ovens, Coolers, Dough Making Equipment

20. Projected annual revenue, expense, and net income of the project for each year for the first five years.

Year	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
Annual revenue	<u>45000</u>	<u>45000</u>	<u>45000</u>	<u>45000</u>	<u>45000</u>
Annual expense	<u>40000</u>	<u>40000</u>	<u>40000</u>	<u>40000</u>	<u>40000</u>
Net income	<u>5000</u>	<u>5000</u>	<u>5000</u>	<u>5000</u>	<u>5000</u>

21. Projected annual average number of persons to be employed by the project at the project location for each year for the first five years and the estimated annual payroll.

Year	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
No. of Employees	⁽¹⁾ <u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
	⁽²⁾ <u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>
Estimated payroll	⁽¹⁾ <u>90,000</u>	<u>90,000</u>	<u>90,000</u>	<u>90,000</u>	<u>90,000</u>
	⁽²⁾ <u>110,000</u>	<u>110,000</u>	<u>110,000</u>	<u>110,000</u>	<u>110,000</u>

(1) - full time
(2) - part time

Previous Business Activity

22. Is the project operator succeeding someone else in this or a similar business? Yes No

23. Has the project operator conducted this business at this or any other location either in or outside of the state?
 Yes No

24. Has the project operator or any officers of the project received any prior property tax incentives? Yes No

If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).

Business Competition

25. Is any similar business being conducted by other operators in the municipality? Yes No

If YES, give name and location of competing business or businesses

Pizza Hut, Pizza Ranch, A&B Pizza, Dominos, Papa Murphys

Property Tax Liability Disclosure Statement

26. Does the project operator own real property in North Dakota which has delinquent property tax levied against it? Yes No

27. Does the project operator own a greater than 50% interest in a business that has delinquent property tax levied against any of its North Dakota real property? Yes No

If the answer to 26 or 27 is Yes, list and explain

Use Only When Reapplying

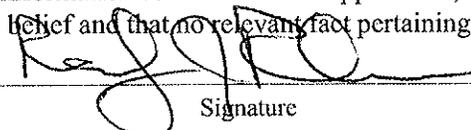
28. The project operator is reapplying for property tax incentives for the following reason(s):

- To present additional facts or circumstances which were not presented at the time of the original application
- To request continuation of the present property tax incentives because the project has:
 - moved to a new location
 - had a change in project operation or additional capital investment of more than twenty percent
 - had a change in project operators
- To request an additional annual exemption for the year of _____ on structures owned by a governmental entity and leased to the project operator. (See N.D.C.C. § 40-57.1-04.1)

Notice to Competitors of Hearing

Prior to the hearing, the applicant must present to the governing body of the county or city a copy of the affidavit of publication giving notice to competitors unless the municipality has otherwise determined there are no competitors.

I, Randy Rhone, do hereby certify that the answers to the above questions and all of the information contained in this application, including attachments hereto, are true and correct to the best of my knowledge and belief and that no relevant fact pertaining to the ownership or operation of the project has been omitted.

 Managing partner 4/4/11
 Signature Title Date

In compliance with the Federal Privacy Act of 1974, Public Law 93-579, the disclosure of the individual's social security number on this form is mandatory pursuant to North Dakota Century Code §§ 40-57.1-03 and 40-57.1-07. An individual's social security number is used as an identification number by the Office of State Tax Commissioner for file control purposes and record keeping.

Certification of Governing Body (To be completed by the Auditor of the City or County)

The municipality shall, after granting any property tax incentives, certify the findings to the State Tax Commissioner and Director of Tax Equalization by submitting a copy of the project operator's application with the attachments. The governing body, on the _____ day of _____, 20____, granted the following:

- Property Tax Exemption** _____ Number of years
- Payments in lieu of taxes** _____ Beginning year _____ Ending year
- _____ Percent of exemption _____ Amount of annual payments (Attach schedule if payments will vary)

Auditor

Notice To Competitors Of Hearing On Application For Property Tax Incentives

Notice is hereby given that the _____
(City or county governing body)

of _____, North Dakota, will meet at _____
(City or county) (Time)

on _____ at _____ to consider the application of
(Date) (Location)

(Project operator name and address)

for property tax relief on the project which the applicant will use in the operation of

(Type of business)

at _____
(Address)

(Legal description)

Any competitor of that applicant may appear and be heard by the _____
(City or county governing body)

at the time and place designated herein. A competitor may provide written comments to the governing body before the scheduled hearing.

This notice is given by the above-named applicant pursuant to the provisions of North Dakota Century Code
§ 40-57.1-03



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 17th, 2011
PREPARATION DATE: May 11th, 2011
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider a change of zoning from A (Agricultural) to CB Restricted (Heavy Commercial) for Lakewood Commercial Park 5th Addition.

STATEMENT/PURPOSE: The purpose of the zone change is to build an apartment complex.

BACKGROUND/ALTERNATIVES: The zone change was approved by the Planning & Zoning Commission on April 25th. The majority of the lot is already zoned CB Restricted (Heavy Commercial). This is restricted to CA (Light Commercial and Services) uses with residential allowed. The plat includes a strip of land that runs along the west boundary line. This was zoned A (Agricultural). This zone change allows this piece of land to match the existing parcel.

ATTACHMENTS: 1. Office Report
2. Map
3. Ordinance 1095

FISCAL IMPACT: Minimal.

STAFF IMPACT: Minimal.

LEGAL REVIEW: All of my commission data has been forwarded to the City Attorney for his review.

RECOMMENDATION: To change the zoning to CB Restricted (Heavy Commercial).

SUGGESTED MOTION: To approve the zone change of Lakewood Commercial Park 5th Addition from A (Agricultural) to CB Restricted (Heavy Commercial).

April 19, 2011

Applicant(s): Patrick Wachter, Jessara, LLC

Owner(s): same

Developer(s):

Requested Action: Zone Change Approval

Name of Subdivision: Lakewood Commercial Park 5th

Legal Description: Lot 2, Block 2, Lakewood Commercial Park 4th and Auditor's Lot "K" of Gov't Lot 1 and NE ¼ of Section 1, Township 138, Range 81.

Located: Northwest corner of 40th Avenue SE and Shoal Loop.

Parcel Acreage: 3.35

Existing Land Use: vacant

Proposed Land Use: Apartment complex

Adjacent Land Use: Commercial and Multi-Family Residential

Existing Zoning: CB Restricted (Heavy Commercial) and A (Agricultural)

Proposed Zoning: CB Restricted (Heavy Commercial)

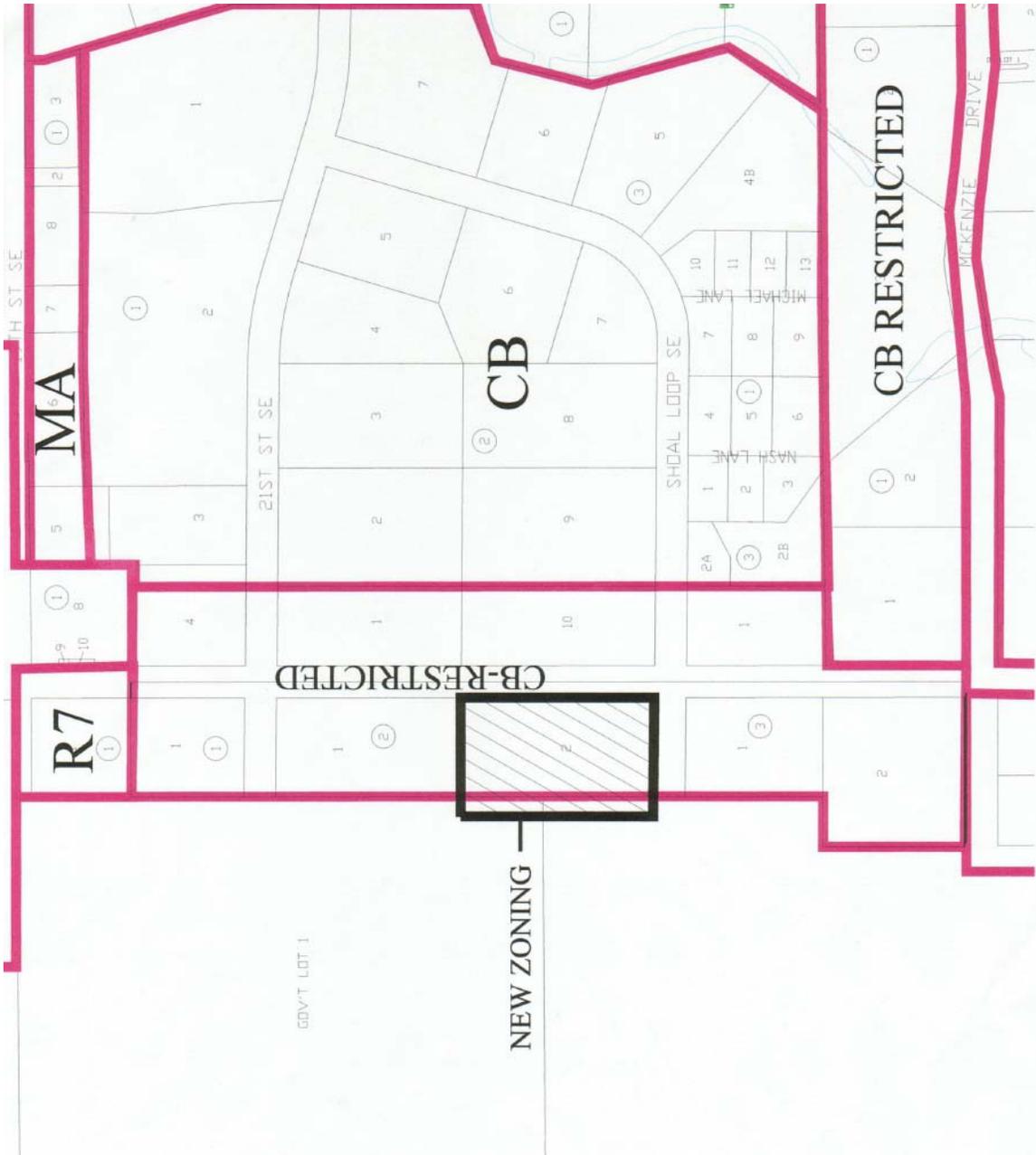
Adjacent Zoning: CB Restricted (Heavy Commercial), CB (Heavy Commercial), A (Agricultural).

Fee(s) Required: \$150.00 Date Received: March 31, 2011

Adjacent Property Owner Notification: Letters were sent April 11, 2011

Dates of Legal Notices: May 6th and 13th, 2011

Recommendations: The Planning Office recommends approval.



ORDINANCE NO. 1095

**AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF THE
MANDAN MUNICIPAL CODE RELATING TO DISTRICT
BOUNDARIES AND ZONING MAP.**

BE IT ORDAINED By the Board of City Commissioners of the City of Mandan,
North Dakota, as follows:

SECTION 1. AMENDMENT. Section 21-03-02 of the Mandan Municipal Code is
amended to read as follows:

The following described property located within the City of Mandan shall be
excluded from the A (Agricultural) zoning and shall be included in the CB (Heavy
Commercial) Restricted to CA (Light Commercial and Services) uses with residential
allowed namely,

Lakewood Commercial Park 5th Addition in Section 1, Township 138N,
Range 81W .

and as so amended said section is hereby reenacted. The purpose of the zone change is
the construction of condominiums. The city administrator is authorized and directed to
make the necessary changes upon the official zoning map of the city in accordance with
this section.

President, Board of City Commissioners

Attest:

City Administrator

Public Hearing:	<u>April 25, 2011</u>
First Consideration:	<u>May 17th, 2011</u>
Second Consideration and Final Reading:	<u>June 7th, 2011</u>
Publication Date:	_____
Recording Date:	_____



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 17, 2011
PREPARATION DATE: May 11, 2011
SUBMITTING DEPARTMENT: Mandan Airport
DEPARTMENT DIRECTOR: Jim Lawler, Manager Mandan Municipal Airport
PRESENTER: Marc Taylor, Treasurer, Mandan Airport Authority
SUBJECT: Appointment to the Mandan Airport Authority

STATEMENT/PURPOSE: The Board of City Commissioners makes appointments to the Mandan Airport Authority.

BACKGROUND/ALTERNATIVES: The Mandan Airport Authority consists of 5 members who are Dr. Dale Klein, Sandy Tibke, Marc Taylor, Lee Weinhandl, and Jim Lawler. The Airport Authority is tasked with managing the affairs of Mandan Airport. There is currently one position up for appointment. In order to solicit interested parties announcements were placed in the Mandan News on February 11, 2011, on the Mandan Airport and City of Mandan's website and word of mouth.

Two letters of interest were received, which are attached.

ATTACHMENTS: Letters of Interest:
Dr. Dale Klein
Dennis Adams

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: The Mandan Airport Authority met on May 9, 2011 and recommends the reappointment of Dr. Dale Klein. The term of the Mandan Airport Authority is for a period beginning January 1, 2011 through December 31, 2015.

SUGGESTED MOTION: I move to reappoint Dr. Dale Klein for a period of 5 years ending December 31, 2015.

Interest in Airport Authority

I would like to express my interest in continuing to serve on the Airport authority. I have enjoyed the last 5 years of service.

I have been a pilot since 1997 and currently hangar 2 airplanes at Mandan.

In addition, I also am a Aviation Medical Examiner and perform pilot physicals. In that role I have access to many pilots and have referred many to the Mandan Airport for services.

I currently serve on the Board of Starion Financial, Blue Cross and Blue Shield and on a national Commission on Finance for the Academy of Family Physicians.

I previously had sent a resume. If you need more info please let me know. Thanks for your consideration.

Dale Klein

5004 South Bay Dr SE
Mandan, ND 58554
February 24, 2011

Jim Lawler
Mandan Municipal Airport
PO Box 250
Mandan, ND 58554

Dear Mr. Lawler:

This letter is in reply to the Mandan City Commission seeking an appointee to the Mandan Airport Authority for a 5-year term.

As a resident of Mandan for 35 years, I am interested in serving on the Mandan Airport Authority. I am retired and able to attend regularly scheduled meetings. On occasion, I would be available to meet on short notice for any urgent need.

My interest centers on being a pilot, keeping my Cessna 172 in the new Mandan hanger addition, and having a keen interest in aviation. I am a member and involved with the Civil Air Patrol (CAP) and have done search and rescue missions the past two years. This past fall I trained in the operation of an airborne imaging system for search and rescue missions. In December our CAP Wing placed 3,500 wreaths at the North Dakota Veterans Cemetery through the Wreaths Across America project.

I am a member of AOPA and attend Oshkosh pilot symposiums most years. I enjoy aviation and will be attending the Upper Mid-West Aviation Symposium in Minot in early March. As a member of the Mandan EAA chapter, I enjoy helping the organization with the fly-ins.

I am proud of the Mandan airport and interested in continuing to see it as an integral part of Mandan's business commerce as well as a safe place for both private and commercial pilots to operate their aircraft. Airport improvements are issues needing attention as ongoing governmental changes in grants and partnerships with our business community need continued vigilance.

I have the time, talents and interest to provide input, planning, and make decisions for the operation and maintenance of the Mandan Airport facilities. I am available for further discussion at 663-9788.

Sincerely,

Dennis L. Adams



CITY OF MANDAN

MANDAN CITY HALL - 205 2nd Avenue NW
MANDAN, NORTH DAKOTA 58554
701-667-3215 • FAX: 701-667-3223 • www.cityofmandan.com

CITY DEPARTMENTS	
ADMINISTRATION	667-3215
ASSESSING/BUILDING INSPECTION	667-3230
BUSINESS DEVELOPMENT	667-3485
CEMETERY	667-6044
ENGINEER/PLANNING & ZONING	667-3225
FINANCE	667-3213
FIRE	667-3288
HUMAN RESOURCES	667-3217
LANDFILL	667-0184
MUNICIPAL COURT	667-3270
POLICE	667-3455
PUBLIC WORKS	667-3240
WASTEWATER TREATMENT	667-3278
SPECIAL ASSESSMENTS	667-3271
UTILITY BILLING	667-3219
WATER TREATMENT	667-3275

PROCLAMATION PROJECT HOPE WEEK (BISMARCK CANCER CENTER)

WHEREAS, cancer is the second most common cause of death in the U.S., exceeded only by heart disease; and

WHEREAS, nearly 1.5 million new cancer cases are expected to be diagnosed in 2009 and of those, 562,340 individuals are expected to die; and

WHEREAS, the ratio of men that will be diagnosed with cancer in their lifetime is 1 in 2; while in women it is 1 in 3; and

WHEREAS, the National Institutes of Health estimates that the overall costs of cancer in 2008 at \$228.1 billion including direct medical costs as well as the cost of productivity due to illness and premature death; and

WHEREAS, project **HOPE** is a community wellness event designed to educate employees about healthy lifestyles, cancer prevention, early detection and to promote hope for a healthier tomorrow.

NOW, THEREFORE, I, Timothy A. Helbling, Mayor of the City of Mandan, do hereby proclaim May 16-20, 2011 as **PROJECT HOPE** in the City of Mandan and encourage employers to impact the quality of lives of their employees by providing education on the importance of cancer prevention and screening.

Dated this 17th day of May, 2011

Timothy A. Helbling, President
Board of City Commissioners

Attest:

James Neubauer, City Administrator



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 17, 2011
PREPARATION DATE: May 10, 2011
SUBMITTING DEPARTMENT: Fire Department
DEPARTMENT DIRECTOR: Chief Nardello & Chief Bullinger
PRESENTER: Steve Nardello, Fire Chief
SUBJECT: 2011 Budget Amendment

STATEMENT/PURPOSE: The Mandan Police Department applied for available funding for the purchase of two mobile data computers (MTD) through the Communications Interoperability Grant that Bismarck Police Department received several years ago.

BACKGROUND/ALTERNATIVES: The cooperative Bismarck Communications Interoperability Grant has provisions for the Mandan Police Department to purchase two MTD's with a 25% match. We are requesting the matching funds be taken from the Alarm Fund account that is available to the police and fire departments for the purpose of purchasing communication equipment. The MTD's that the police are currently using will be re-distributed to the fire department for their use.

ATTACHMENTS: None

FISCAL IMPACT: Amend the 2011 police department budget to allow for the purchase of two MTD units at the cost of \$12,969.60 with funding for the 25% match, \$3,242.40 transferred from the Alarm Fund.

STAFF IMPACT: Additional MTD's would allow firefighters mobile access to items such as mapping and hazardous materials data.

LEGAL REVIEW: None

RECOMMENDATION: That the Mandan City Board of Commissioners approves the police department 2011 budget amendment request.

SUGGESTED MOTION: Move to approve a police department 2011 budget amendment to include \$3,242.40 additional funding for the purchase of two MTD's as matching funds transferred from the Alarm Fund.



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 17, 2011
PREPARATION DATE: May 12, 2011
SUBMITTING DEPARTMENT: Wastewater Treatment Plant
DEPARTMENT DIRECTOR: Steve Himmelspach Superintendent WWTP
PRESENTER: Steve Himmelspach
SUBJECT: Transfer of Funds from 2011 Operation and Maintenance Budget to 2011 Capital Outlay Budget

STATEMENT/PURPOSE: To request a transfer of funds from the 2011 Operation and Maintenance budget to the 2011 Capital Outlay budget.

BACKGROUND/ALTERNATIVE:

ES: To replace the existing boats that are used at the plant. The existing boats are twenty years old and are in need of repair or replacement. The cost to repair one boat would be between \$600 - \$1200. The vendor who would do the repair will not guarantee how long the repair would last. The cost of two new boats is \$2090.

ATTACHMENTS: None.

FISCAL IMPACT: Transfer of funds.

STAFF IMPACT: None.

LEGAL REVIEW: None.

RECOMMENDATION: To transfer \$2090 from the 2011 Operation and Maintenance budget to the 2011 Capital Outlay budget for the purchase of two new boats.

SUGGESTED MOTION:



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 17, 2010
PREPARATION DATE: May 12, 2011
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider for approval the applications for beer garden and street dance events.

STATEMENT/PURPOSE: To consider approval of the requested beer garden and street dance activities.

BACKGROUND/ALTERNATIVES: Representatives of the Police Dept., Fire Dept, Custer Health, and the Engineering Dept. reviewed the above listed beer garden and street dance application and found them to be in compliance with the ordinance governing their operations. In this round of applications, we have 3 applicants requesting 5 events.

Musicians Association/MPO – June 11&12, 4 PM-midnight & 12 PM to 5 PM
Mandan Progress Organization – June 25, 5PM to 12:30 AM
Mandan Progress Organization – July 3, 7 PM to 12:30 AM
Silver Dollar Bar – June 10 & 11
Silver Dollar Bar – July 1,2 & 3

These requests are similar to past years and have been reviewed by the appropriate City officials for compliance. The applications appear to be in order and requirements appear to be met for the events.

ATTACHMENTS: 4 Applications

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

LEGAL REVIEW: All of my commission data has been forwarded to the City Attorney for his review.

RECOMMENDATION: This office supports the approval of the subject beer garden and street dance requests as attached.

SUGGESTED MOTION: I move to approve the beer garden and street dance applications as recommended by the departments.

CITY OF MANDAN

1. Type of license being applied for:

Street Dance: _____
Beer Gardens: _____
Both: _____

2. Applicant:

Name: Buggier-N-Blues Del Witsch / Vern Carmach
Address: 411 West Main
MANDAN, ND 58554
Date of Birth: 11-12-49
Social Security or Drivers License: Wst 49 9842

3. Name of individual or individuals who will manage or conduct the event:

Name: <u>Del Witsch</u>	Name: <u>Vern Carmach</u>
Address: <u>4704 Jetty Beach Dr. S</u>	Address: <u>610 North 7th St.</u>
Date of Birth: <u>11-12-49</u>	Date of Birth: <u>01-30-41</u>
S.S. or D.L.: <u>Wst 49-9842</u>	S.S. or D.L.: <u>CEB 41-0988</u>

4. Have any of the individuals listed in answer to questions #2 & #3 ever had a license of any kind revoked or cancelled by any municipal, state or federal authority: _____ Yes No. If yes, explain in detail on a separate sheet giving the date, place and type of business.

5. Have any of the individuals listed in answer to questions #2 & #3 ever been convicted of any crime relating to the sale of alcoholic beverages or controlled substances: _____ Yes No. If yes, explain in detail on a separate sheet giving the date, place and type of business.

6. If you should be applying for a public dance or concert permit has any of the individuals in answer to questions #2 & #3 been convicted within the past five years of any crime against persons, including assault, disorderly conduct, sexual assault, rape and murder. _____ Yes No. If yes, explain on a separate sheet.

7. List the place, date and hours of the proposed event (special note, all applications must be received 30 days in advance of the proposed event). Dyckhearn Park June 11-12-2011
June 11 4:00 P.M. to 12:00 midnight June 12 12:00 Noon to 5:00 P.M.

8. Site Plan: See attached sheets.

- A. Beer Gardens
- B. Street Dance

Board of City Commissioners

Agenda Documentation

Meeting Date: May 17, 2010

Subject: Consider for approval the applications for beer garden and street dance events.

Page 3 of 13

9. Please provide an estimate of the number of persons that the person conducting the event has determined can be safely accommodated at the site and also estimate of the number of persons expected to attend:

Maximum Capacity 3500
Expected Attendance 1800

10. Is there going to be advance ticket sales? Yes _____ No x

If yes, please list the maximum amount to be sold: _____

11. What plans are there to limit attendance if there are no advance ticket sales, Monitored by
Bugs-n-Blue committee and Bis-Man Security

12. Please list the number and provide on the site plan the placement of sanitary toilet facilities:

Number of toilet facilities 10

13. Has the City Health Officer reviewed your plan to determine if your proposed toilet facilities are adequate to meet the attendance?

Yes x No _____

14. Fencing & Barricades should be supplied on site plan.

15. List below a description of the signing which is proposed to control pedestrian and vehicular traffic, parking and notices to the persons in attendance. Crosswalks and pedestrian crosswalk signs placed on Main Street.

16. Security: Do intend to use private security or city police officers.

Private 3 x City Police _____

17. List the number of security people you plan on using. Street dances provide for the use of police officers:

Private 3 City Police _____

18. Street Dances & Concerts: Have you enclosed fees for the charges for city police officers? List the amount \$2000.

[Signature]
Signature of applicant
April 24 2011
Date
220-2959
Telephone number

Burgers n' Blues June 11-12-2011



CITY OF MANDAN

1. Type of license being applied for:

Street Dance: _____
Beer Gardens: _____
Both: X

2. Applicant:

Name: DAVE Resoler Appreciation Day (Mandan Progress Organization)
Address: 411 West Main
MANDAN ND 58554
Date of Birth: 11-12-49
Social Security or Drivers License: Wst 49-9842

3. Name of individual or individuals who will manage or conduct the event:

Name: <u>Del Wetsch</u>	Name: <u>Gene Zachman</u>
Address: <u>411 West Main</u>	Address: <u>5718 Rock Haven Harbor Rd. Mandan</u>
Date of Birth: <u>11-12-49</u>	Date of Birth: <u>7-22-44</u>
S.S. or D.L.: <u>Wst 49-9842</u>	S.S. or D.L.: <u>ZAC 44 7213</u>

4. Have any of the individuals listed in answer to questions #2 & #3 ever had a license of any kind revoked or cancelled by any municipal, state or federal authority: _____ Yes X No. If yes, explain in detail on a separate sheet giving the date, place and type of business.

5. Have any of the individuals listed in answer to questions #2 & #3 ever been convicted of any crime relating to the sale of alcoholic beverages or controlled substances: _____ Yes X No. If yes, explain in detail on a separate sheet giving the date, place and type of business.

6. If you should be applying for a public dance or concert permit has any of the individuals in answer to questions #2 & #3 been convicted within the past five years of any crime against persons, including assault, disorderly conduct, sexual assault, rape and murder. _____ Yes X No. If yes, explain on a separate sheet.

7. List the place, date and hours of the proposed event (special note, all applications must be received 30 days in advance of the proposed event). June 25 2011 Dykshoven Park
5:00 PM to 12:30 AM.

8. Site Plan: See attached sheets.

- A. Beer Gardens
- B. Street Dance

Board of City Commissioners

Agenda Documentation

Meeting Date: May 17, 2010

Subject: Consider for approval the applications for beer garden and street dance events.

Page 6 of 13

9. Please provide an estimate of the number of persons that the person conducting the event has determined can be safely accommodated at the site and also estimate of the number of persons expected to attend:

Maximum Capacity 3500
Expected Attendance 2000

10. Is there going to be advance ticket sales? Yes _____ No X

If yes, please list the maximum amount to be sold: _____

11. What plans are there to limit attendance if there are no advance ticket sales, _____

Security Guards and committee personnel

12. Please list the number and provide on the site plan the placement of sanitary toilet facilities:

Number of toilet facilities 12

13. Has the City Health Officer reviewed your plan to determine if your proposed toilet facilities are adequate to meet the attendance?

Yes X No _____

14. Fencing & Barricades should be supplied on site plan.

15. List below a description of the signing which is proposed to control pedestrian and vehicular traffic, parking and notices to the persons in attendance. Held in Dykshorn Park, area fenced

off, use of pedestrian crosswalk

16. Security: Do intend to use private security or city police officers.

Private X City Police _____

17. List the number of security people you plan on using. Street dances provide for the use of police officers:

Private 3 City Police _____

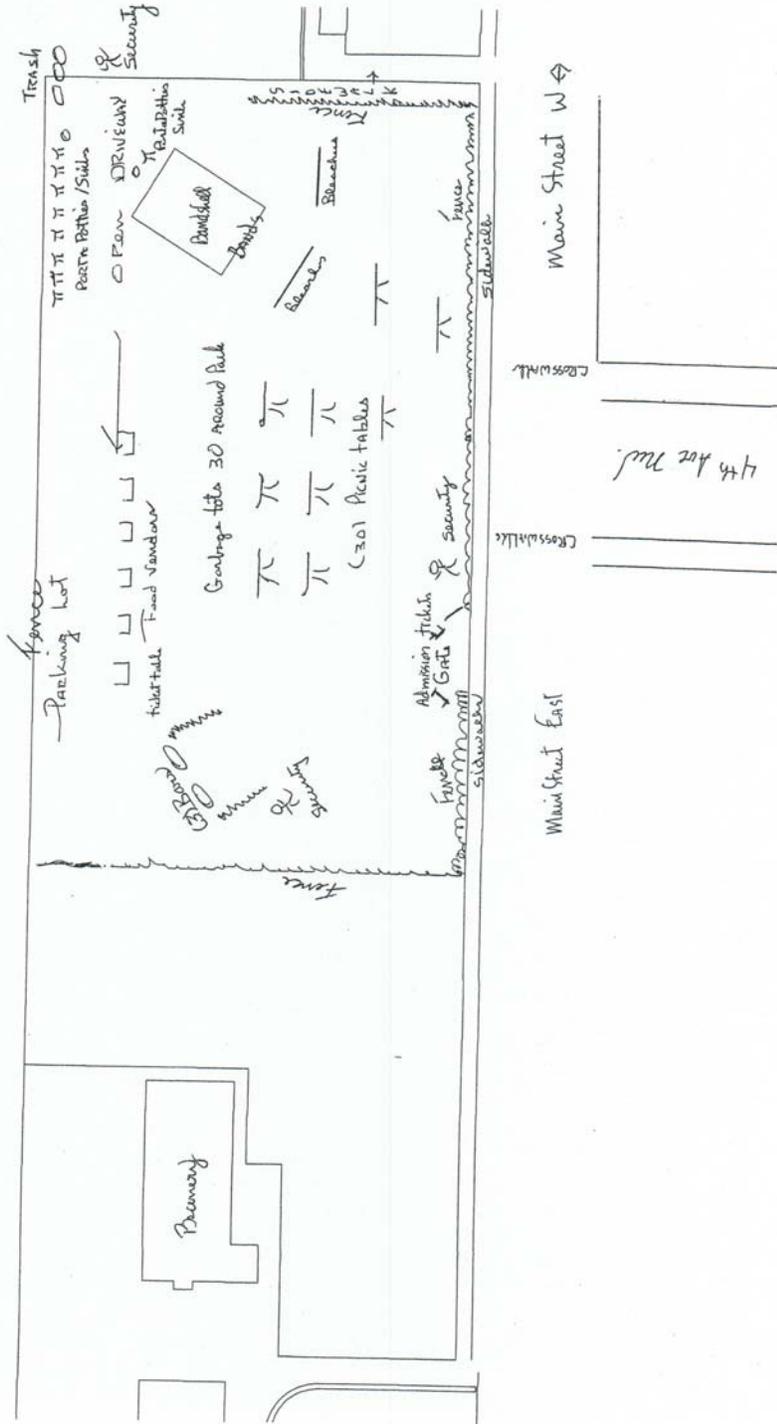
18. Street Dances & Concerts: Have you enclosed fees for the charges for city police officers? List the amount \$20.00.

D. D. D. D.
Signature of applicant

April 19th 2011
Date

220-2959
Telephone number

Drexel Books Application Day June 25 - 2011



CITY OF MANDAN

1. Type of license being applied for:

Street Dance: _____
Beer Gardens: _____
Both: _____

2. Applicant:

Name: All Class Business (Mandan Progress Organization)
Address: 411 West Main Mandan, ND 58554
Date of Birth: 11-12-49
Social Security or Drivers License: Wst 49 9842

3. Name of individual or individuals who will manage or conduct the event:

Name: <u>Bel Wetsch</u>	Name: _____
Address: <u>411 West Main</u>	Address: _____
Date of Birth: <u>11-12-49</u>	Date of Birth: _____
S.S. or D.L.: <u>Wst 49 9842</u>	S.S. or D.L.: _____

4. Have any of the individuals listed in answer to questions #2 & #3 ever had a license of any kind revoked or cancelled by any municipal, state or federal authority: _____ Yes No. If yes, explain in detail on a separate sheet giving the date, place and type of business.
5. Have any of the individuals listed in answer to questions #2 & #3 ever been convicted of any crime relating to the sale of alcoholic beverages or controlled substances: _____ Yes No. If yes, explain in detail on a separate sheet giving the date, place and type of business.
6. If you should be applying for a public dance or concert permit has any of the individuals in answer to questions #2 & #3 been convicted within the past five years of any crime against persons, including assault, disorderly conduct, sexual assault, rape and murder. _____ Yes No. If yes, explain on a separate sheet.
7. List the place, date and hours of the proposed event (special note, all applications must be received 30 days in advance of the proposed event). July 3rd, Heritage Park,
7:00 PM to 12:30 AM.
8. Site Plan: See attached sheets.

- A. Beer Gardens
- B. Street Dance

Board of City Commissioners

Agenda Documentation

Meeting Date: May 17, 2010

Subject: Consider for approval the applications for beer garden and street dance events.

Page 9 of 13

9. Please provide an estimate of the number of persons that the person conducting the event has determined can be safely accommodated at the site and also estimate of the number of persons expected to attend:

Maximum Capacity 1200
Expected Attendance 1000

10. Is there going to be advance ticket sales? Yes _____ No X

If yes, please list the maximum amount to be sold: _____

11. What plans are there to limit attendance if there are no advance ticket sales, _____

Security Guards and MPO committee members

12. Please list the number and provide on the site plan the placement of sanitary toilet facilities:

Number of toilet facilities 10

13. Has the City Health Officer reviewed your plan to determine if your proposed toilet facilities are adequate to meet the attendance?

Yes X No _____

14. Fencing & Barricades should be supplied on site plan.

15. List below a description of the signing which is proposed to control pedestrian and vehicular traffic, parking and notices to the persons in attendance. Event takes place in Heritage Park

Perkins Lot. No traffic lot is blocked off. Use of Street crosswalk

16. Security: Do intend to use private security or city police officers.

Private X City Police _____

17. List the number of security people you plan on using. Street dances provide for the use of police officers:

Private 2 City Police _____

18. Street Dances & Concerts: Have you enclosed fees for the charges for city police officers? List the amount \$100.

Del Wetsch
Signature of applicant

April 22, 2011
Date

220 2969
Telephone number

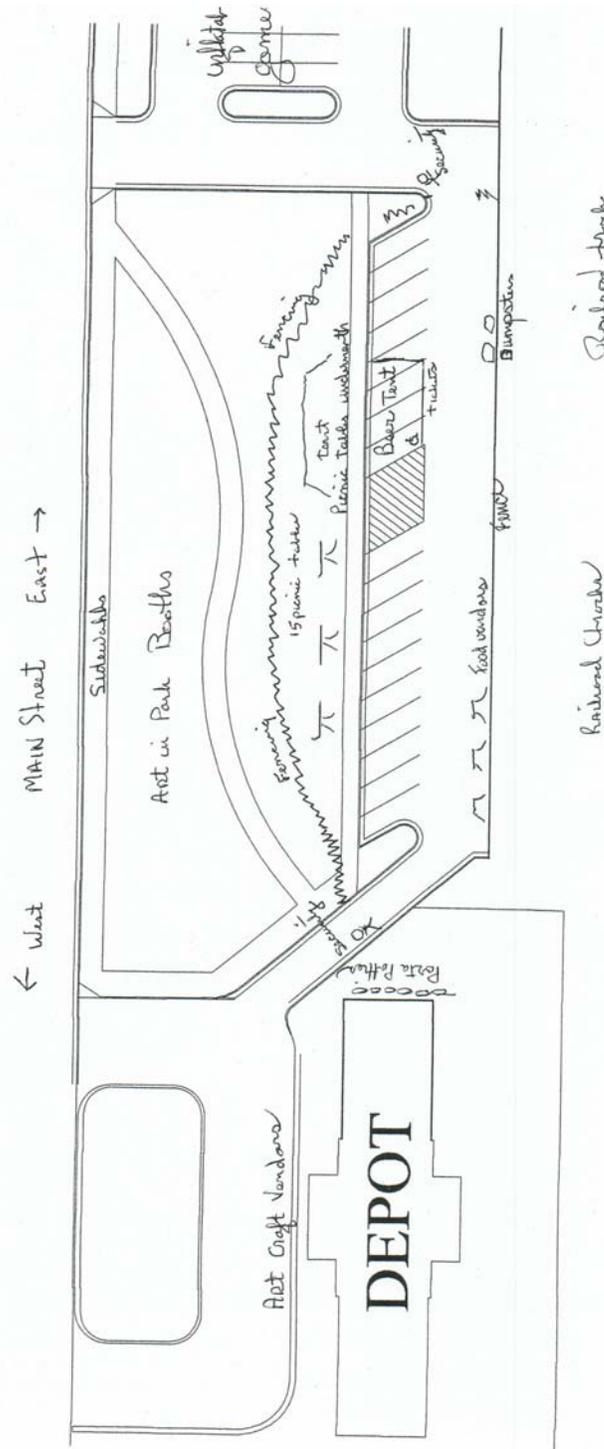
Board of City Commissioners

Agenda Documentation

Meeting Date: May 17, 2010

Subject: Consider for approval the applications for beer garden and street dance events.

Page 10 of 13



CITY OF MANDAN

1. Type of license being applied for:

Street Dance: _____
Beer Gardens: _____
Both: _____

2. Applicant:

Name: Sylvia Dellen Dan & Luke Bergin
Address: 200 EAST MAIN MANDAN NDak
Date of Birth: 8-2-56
Social Security or Drivers License: 502-92-2950

3. Name of individual or individuals who will manage or conduct the event:

Name: Luke Bergin Name: _____
Address: PO Box 53 mandan Address: _____
Date of Birth: 8-2-56 Date of Birth: _____
S.S. or D.L.: 502-92-2950 S.S. or D.L. _____

4. Have any of the individuals listed in answer to questions #2 & #3 ever had a license of any kind revoked or cancelled by any municipal, state or federal authority: _____ Yes No. If yes, explain in detail on a separate sheet giving the date, place and type of business.

5. Have any of the individuals listed in answer to questions #2 & #3 ever been convicted of any crime relating to the sale of alcoholic beverages or controlled substances: _____ Yes No. If yes, explain in detail on a separate sheet giving the date, place and type of business.

6. If you should be applying for a public dance or concert permit has any of the individuals in answer to questions #2 & #3 been convicted within the past five years of any crime against persons, including assault, disorderly conduct, sexual assault, rape and murder. _____ Yes No. If yes, explain on a separate sheet.

7. List the place, date and hours of the proposed event (special note, all applications must be received 30 days in advance of the proposed event).

JUNE 10-11
JULY - ~~1-2-3~~ 1-2-3 - 2011

8. Site Plan: See attached sheets.

- A. Beer Gardens
- B. Street Dance

Board of City Commissioners

Agenda Documentation

Meeting Date: May 17, 2010

Subject: Consider for approval the applications for beer garden and street dance events.

Page 12 of 13

9. Please provide an estimate of the number of persons that the person conducting the event has determined can be safely accommodated at the site and also estimate of the number of persons expected to attend:

Maximum Capacity 500
Expected Attendance 400

10. Is there going to be advance ticket sales? Yes _____ No X

If yes, please list the maximum amount to be sold: _____

11. What plans are there to limit attendance if there are no advance ticket sales, _____
PRIVATE SECURITY

12. Please list the number and provide on the site plan the placement of sanitary toilet facilities:

Number of toilet facilities 4

13. Has the City Health Officer reviewed your plan to determine if your proposed toilet facilities are adequate to meet the attendance?

Yes _____ No X

14. Fencing & Barricades should be supplied on site plan.

15. List below a description of the signing which is proposed to control pedestrian and vehicular traffic, parking and notices to the persons in attendance. Street Closure Signs
AND ROAD BARRICADES

16. Security: Do intend to use private security or city police officers.

Private X City Police _____

17. List the number of security people you plan on using. Street dances provide for the use of police officers:

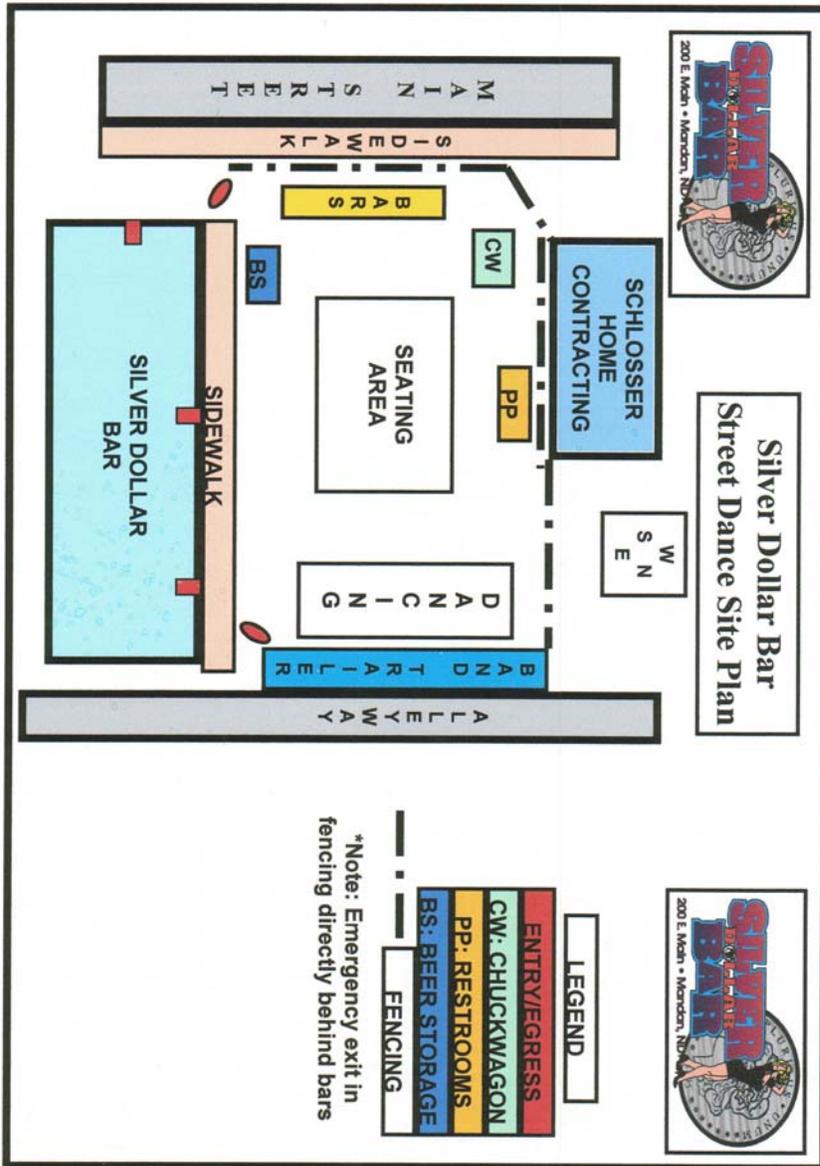
Private 3 City Police _____

18. Street Dances & Concerts: Have you enclosed fees for the charges for city police officers? List the amount _____

Laura Bunn
Signature of applicant

4/27/11
Date

701-663-5248
Telephone number



A & B

Consent No. 8i



GAMING SITE AUTHORIZATION
OFFICE OF ATTORNEY GENERAL
SFN 17996 (10-2009)

G - _____ (_____) _____
Site License Number
(Attorney General Use Only)

Cystic Fibrosis Association of North Dakota is hereby authorized to conduct games of
(Full, Legal Name of Gaming Organization)

chance under the license granted by the Attorney General of the State of North Dakota
at the following location: Colonial Lounge the address of which is:
4631 Memorial Hwy Mandan 58554 Morton

(Street) (City) (Zip Code) (County)

Date(s) Authorized: Beginning 7-1-11 Ending 6-30-12

Specific location where games of chance will be conducted and played at the site (required):
Entire bar area, excluding restrooms

Number of twenty-one tables (required)(if zero, enter "0"): 1

RESTRICTIONS: (to be completed ONLY if restrictions are set by the local governing body)
1. Days of week of gaming operations _____
2. Hours of gaming _____
3. List each specific game type prohibited _____

Attorney General Date Signature of City/County Auditor Date

PRINT Name / Official Position of person signing above

- INSTRUCTIONS:**
1. City/County Auditors - Retain a copy of the Site Authorization for your files.
 2. City/County Auditors - Return the original Site Authorization form to the Organization.
 3. Organizations - Send the original, signed, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval.

RETURN ALL DOCUMENTS TO:
Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 SFN 9413 (Rev. 010-2006)

STATE USE ONLY
SITE LICENSE NO.
G- _____ (____) _____

Site Owner (Lessor) Colonial Lounge Inc.		Site Name Colonial Lounge		Site Phone Number 663-0355
Site Address 4631 Memorial Hwy		City Mandan	State ND	Zip Code 58554
Organization (Lessee) Cystic Fibrosis Association of ND		Rental Period 7-1-11 to 6-30-12		County Morton
1. Is Bingo the primary game conducted? If "Yes," answer questions 2 - 7 but do not enter rent amounts for questions 3 - 7.				Monthly Rent Amount
				<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes \$
2. Is Bingo involving a dispensing device conducted?				<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes \$
3. Is Twenty-One conducted?				<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes \$
Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____				
Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300</u>				\$ 300
4. Is Paddiwheels conducted?				<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes \$
Number of Tables _____ X Rent per Table \$ _____				
5. Is Pull Tabs involving both a jar bar and dispensing device conducted? If "Yes," skip questions 6 & 7.				<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes \$ 200
6. Is Pull Tabs involving only a jar bar conducted?				<input type="checkbox"/> No <input type="checkbox"/> Yes \$
7. Is Pull Tabs involving only a dispensing device conducted on this site?				<input type="checkbox"/> No <input type="checkbox"/> Yes \$
TERMS OF RENTAL AGREEMENT:				Total Monthly Rent \$ 500

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab or bingo card involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessor's oncall or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or bingo cards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor <i>[Signature]</i>	Title <i>Manager</i>	Date <i>4-25-11</i>
Signature of Lessee (Top Executive Official) <i>[Signature]</i>	Title President	Date <i>4-25-11</i>

(over)



GAMING SITE AUTHORIZATION
 OFFICE OF ATTORNEY GENERAL
 SFN 17996 (10-2009)

Consent No. 8ii

G - _____ (____) _____
 Site License Number
 (Attorney General Use Only)

Cystic Fibrosis Association of North Dakota is hereby authorized to conduct games of
 (Full, Legal Name of Gaming Organization)

chance under the license granted by the Attorney General of the State of North Dakota
 at the following location: Roundup Bar & Grill the address of which is:

412 West Main Mandan 58554 Morton
 (Street) (City) (Zip Code) (County)

Date(s) Authorized: Beginning 7-1-11 Ending 6-30-12

Specific location where games of chance will be conducted and played at the site (required):
Entire bar area, excluding restrooms

Number of twenty-one tables (required)(if zero, enter "0"): 1

RESTRICTIONS: (to be completed ONLY if restrictions are set by the local governing body)

1. Days of week of gaming operations _____
2. Hours of gaming _____
3. List each specific game type prohibited _____

 Attorney General Date Signature of City/County Auditor Date

 PRINT Name / Official Position of person signing above

INSTRUCTIONS:

1. City/County Auditors - Retain a copy of the Site Authorization for your files.
2. City/County Auditors - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval.

RETURN ALL DOCUMENTS TO:

Office of Attorney General
 Licensing Section
 600 E Boulevard Ave, Dept. 125
 Bismarck, ND 58505-0040
 Telephone: 701-328-2329 OR 800-326-9240



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 SFN 9413 (Rev. 010-2008)

STATE USE ONLY
SITE LICENSE NO. G- _____ (____) _____

Site Owner (Lessor) BKNP, Inc.		Site Name Roundup Bar & Grill		Site Phone Number 663-4447
Site Address 412 West Main		City Mandan	State ND	Zip Code 58554
Organization (Lessee) Cystic Fibrosis Association of ND		Rental Period 7-1-11 to 6-30-12		County Morton
				Monthly Rent Amount
1. Is Bingo the primary game conducted? If "Yes," answer questions 2 - 7 but do not enter rent amounts for questions 3 - 7.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
2. Is Bingo involving a dispensing device conducted?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
3. Is Twenty-One conducted?		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$
Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____				\$ 300
Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300</u>				
4. Is Paddlewheels conducted?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
Number of Tables _____ X Rent per Table \$ _____				
5. Is Pull Tabs involving both a jar bar and dispensing device conducted? If "Yes," skip questions 6 & 7.		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 200
6. Is Pull Tabs involving only a jar bar conducted?		<input type="checkbox"/> No <input type="checkbox"/> Yes		\$
7. Is Pull Tabs involving only a dispensing device conducted on this site?		<input type="checkbox"/> No <input type="checkbox"/> Yes		\$
TERMS OF RENTAL AGREEMENT:				Total Monthly Rent \$ 500

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab or bingo card involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessor's oncall or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or bingo cards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor <i>Keith Peduzzi</i>	Title Owner	Date 4-25-11
Signature of Lessee (Top Executive Official) <i>Dayton Marzoff</i>	Title President	Date 4-25-11

(over)

Consent No. 8iii



GAMING SITE AUTHORIZATION
OFFICE OF ATTORNEY GENERAL
SFN 17996 (10-2009)

G - _____ (_____) _____
Site License Number
(Attorney General Use Only)

Cystic Fibrosis Association of North Dakota is hereby authorized to conduct games of
(Full, Legal Name of Gaming Organization)

chance under the license granted by the Attorney General of the State of North Dakota
at the following location: Stage Stop the address of which is:
601 6th Avenue SE Mandan 58554 Morton
(Street) (City) (Zip Code) (County)

Date(s) Authorized: Beginning 7-1-11 Ending 6-30-12

Specific location where games of chance will be conducted and played at the site (required):
Entire bar area, excluding restrooms and upstairs

Number of twenty-one tables (required)(if zero, enter "0"): 1

RESTRICTIONS: (to be completed ONLY if restrictions are set by the local governing body)

1. Days of week of gaming operations _____
2. Hours of gaming _____
3. List each specific game type prohibited _____

Attorney General Date Signature of City/County Auditor Date

PRINT Name / Official Position of person signing above

INSTRUCTIONS:

1. City/County Auditors - Retain a **copy** of the Site Authorization for your files.
2. City/County Auditors - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval.

RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 SFN 9413 (Rev. 010-2006)

STATE USE ONLY
SITE LICENSE NO. G- _____ (____) _____

Site Owner (Lessor) Stage Stop Liquors, Inc.		Site Name Stage Stop		Site Phone Number 663-7768
Site Address 601 6th Avenue SE		City Mandan	State ND	Zip Code 58554
Organization (Lessee) Cystic Fibrosis Association of ND		Rental Period 7-1-11 to 6-30-12		Monthly Rent Amount
1. Is Bingo the primary game conducted? If "Yes," answer questions 2 - 7 but do not enter rent amounts for questions 3-7.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
2. Is Bingo involving a dispensing device conducted?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
3. Is Twenty-One conducted? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$
Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300</u>				\$ 300
4. Is Paddiewheels conducted? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
5. Is Pull Tabs involving both a jar bar and dispensing device conducted? If "Yes," skip questions 6 & 7.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
6. Is Pull Tabs involving only a jar bar conducted?		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 175
7. Is Pull Tabs involving only a dispensing device conducted on this site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
TERMS OF RENTAL AGREEMENT:				Total Monthly Rent \$ 475

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab or bingo card involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessor's oncall or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or bingo cards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor <i>Patricia J Boehm</i>	Title Assistant Manager	Date 4-25-11
Signature of Lessee (Top Executive/Official) <i>Shirley Mayoff</i>	Title President	Date 4-25-11

(over)



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 17, 2011
PREPARATION DATE: May 12, 2011
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director and/or Oaktree real estate agents
SUBJECT: Offer on 116 E Main

STATEMENT/PURPOSE: To consider an offer received at the May 3 meeting for a city-owned building and land at 116 E Main.

BACKGROUND/ALTERNATIVES: The City Commission received an offer at its May 3, 2011, meeting for the 116 E Main property from Scott Johnson in the amount of \$15,000 with a stipulation that the City of Mandan bring a fire service water line to the building and with a commitment for improvements estimated at \$104,900. Johnson indicated that he would apply for Renaissance Zone tax benefits and the Storefront Improvement Program for \$10,000 in matching funds. The City's cost for the water line is estimated at about \$20,000. Thus, while the City would receive \$15,000 in payment, the requested cash outlay is approximately \$30,000 (\$10k storefront + \$20k waterline) without assurances that the business use for the building would require a fire suppression system or fill a gap in the community.

The property has been listed with Oaktree Realty since Feb. 17, 2011. In the past week, there have been additional inquiries and expressions of interest. Johnson's offer requires closing on or before May 31, 2011. He is concerned about the ability to line up a roofing contractor in 2011 if a decision and arrangements are not made soon.

ATTACHMENTS:

- 116 E Main information sheet
- Scott Johnson offer

FISCAL IMPACT: A potential \$30,000 cash outlay in return for \$15,000 and an improved building that would be likely be re-occupied and back on the tax rolls after five years of exemption.

STAFF IMPACT: Minimal.

LEGAL REVIEW: Attorney Brown has been involved in consultations.

RECOMMENDATIONS: To retain Scott Johnson's offer as long as it lasts and if he is willing to renew it beyond May 31, 2011 to consider it and any other offers received at the June 7 meeting.

Other options and considerations: 1) Counter offering, 2) Considering whether the Commission is willing to invest in bringing a fire water service line to the property and if so, whether such an investment would be conditional upon the proposed use.

SUGGESTED MOTIONS: I move to retain Scott Johnson's offer while encouraging other offers through at least the June 7 meeting.

Subject Building



PROPERTY INFORMATION

For parties interested in Acquisition & Renovation
of City-Owned Building at 116 E Main, Mandan, North Dakota



**CITY OF
MANDAN**

"WHERE THE WEST BEGINS"

Issued Feb. 17, 2011

City of Mandan
205 Second Avenue NW
Mandan, North Dakota 58554
Phone: 701-667-3215
www.cityofmandan.com

Seeking Buyers Interested in Redevelopment of Downtown Building

The City of Mandan is seeking buyers interested in acquisition and rehabilitation of a building at 116 E Main Street. The main level is suited to a retail business. The second story has two apartments.

The building is located in our city's central business district, near city hall, the county courthouse, professional services and niche retail. The City of Mandan is committed to having the properties placed on the Bismarck Mandan Realtors Association Multiple Listing Service for a minimum of 60 days before offers will be considered, through at least April 18, 2011; and for as long as 6 months, through Aug. 19, 2011. Submit offers to:

Oaktree Realtors
3015 Memorial Highway
Mandan, ND 58554

Listing Agents

Karen Fleck
Office: 701-663-3535
Cell: 701-400-7066

Pat Maddock
Office: 701-223-7422
Cell: 701-391-8867

REQUIREMENTS

Asking price · \$50,000

Deposit · In addition to the purchase price, a deposit of \$5,000 will be required to be made at closing and refundable upon completion of building rehabilitation (certificate of occupancy for main level and apartments).

Timeline for renovation · The City Commission reserves the right at its sole discretion to extend the timeline if warranted.

Start of building rehabilitationOctober 1, 2011
(Property reverts back to City of Mandan if deadline is not met and deposit retained.)

Building substantially complete byMarch 1, 2012
(Deposit returned to buyer)

All offers are subject to review and consideration by the Mandan City Commission. The City reserves the right to: 1) conduct interviews with some or all parties who submit offers, 2) reject any and all offers or portions thereof, 3) hold all offers or responses for a period of thirty (30) days after receipt to allow for scheduling of City Commission meetings, 4) negotiate modifications of project descriptions to a lesser or greater magnitude than described in the response, 5) accept the response(s) deemed most favorable to the best interest of the City of Mandan, and 6) advertise for new offers/responses as may be deemed necessary.

Be advised as per North Dakota open records law that responses may be released to the public if requested except for portions subject to NDCC 44-04-18.4 pertaining to confidentiality of trade secret, proprietary, commercial, and financial information.

Site Profile



Additional Property Information

- Block 6, Lot 7, Mandan Proper
- Lot is 3,250 ft² (25qX 130q)
- Building is 25qX 80q(2,000 sf per floor, two stories and a basement), vacant since 2006.
- Irwin Marcovitz Building constructed in 1926, on list of contributing properties to Mandan's historic district.
- Sells as is; roof has a leak.

Property Tax Estimates (2010 levy of 409 mills equal to 2.045% of value)
Full and true value: land, \$14,900; building, \$51,000. Annual taxes are \$1,348.

Special Assessments

Payoff balance figured to 1/31/2011 of \$2,872.22; annual payment of \$646.29

Zoning

The site is in an area zoned CB, which is commercial permitting a variety of commercial, retail and multi-family residential uses.

Also subject to DC Downtown Core District zoning overlay (Mandan Municipal Code, 21-04-17) requirements for building design and renovation. Improvements to exterior subject to application for consideration by Mandan Architectural Review Commission.

Parking

Off-street parking is not required for properties within the Downtown Parking District (Mandan Municipal Code 21-03-10.6).

Customer parking restricted to 90 minutes is available on Main Street and the avenues. Parking is enforced Mondays through Fridays during daytime hours. A courtesy ticket is issued to those who park overtime in a time-restricted area if the vehicle has not been associated with a violation in the previous 180 days.

Public parking areas are located in close proximate to the parcels. Following is their status as of early February 2011:

- Lot C (south of Main Street between Collins Avenue and First Avenue NW) · 52 spaces with 7 for public parking restricted to 90 minutes, and 45 available free of charge for all-day parking with exception of no overnight parking allowed two to three nights a week.
- Lot D (west of Collins Avenue) · contains 26 spaces including 17 spaces available to the public with a 90-minute restriction and 9 spaces rented spaced for all-day parking.
- Lot E (south side of Fire Station) · 11 spaces; all currently rented at \$20 per month.
- Lot F (east side of Fire Station) · 11 spaces reserved for firefighters; 46 spaces available for rent at \$20 per month; only 21 spaces are currently rented.

A parking map is available.

Utilities

Site maps with utility easement agreements and maps with locations for sewer and water service lines and mains are available for reference.

Institutional Control Ordinance

The property is within the city's Environmental Institutional Control District as defined by the Mandan Code of Ordinances Chapter 21-10 (created by Ordinance 1002) which establishes requirements for liability assurances. Any new construction must be slab on grade with a contingency plan that may need to incorporate vapor barriers, a venting system, groundwater suppression/collection, and specialized HVAC as determined by a professional engineer.

Liability Protection

North Dakota Century Code 23-20.3-03.1 as amended during the 2005 state legislative session provides that a purchaser of property cannot be held liable for the cleanup of an environmental condition as long as the party does not contribute to or worsen the condition. Pursuant to this legislation, property owners, prospective owners, lenders, and tenant/operators may submit a Request for Responsibility Exemption and Regulatory Assurance (SFN 59226) from the North Dakota Health Department.

A complete copy of all property information, including supporting documentation and maps, is available on the City of Mandan website at www.cityofmandan.com.

Development Incentives

The City of Mandan is poised to help owners of commercial properties and businesses succeed with several tools. Each is subject to application and consideration by the appropriate review committee and the Mandan City Commission.

- **Renaissance Zone Incentives:** Five-year, 100% property tax exemption on the taxable value of the proposed building(s) and a five-year, 100% state exemption on income derived from business activity within the building(s). The lease of a property for a new or expanding business is also a qualifying event for the incentives. Exemptions may transfer with the property to a qualified user on a prorated basis.
- **Downtown Storefront Improvement Program:** Storefront funds are provided in the form of a maximum \$10,000 forgivable loan for up to 50 percent of the investment in rehabilitating a building façade. The interest-free loans are pro-rated and forgiven over the course of three years contingent on project completion and the building remaining intact during this period. Qualifying improvements must be to areas visible from the public right of way and may include replacement of exterior finishes, reconfiguring entrances, door and window replacement, awnings, lighting, paint, signs and landscaping. Deadlines for applications in 2011 are Feb. 1, May 2, Aug. 1, and Nov. 1.
- **Retail and Restaurant Incentive Program:** New and expanding businesses that fill a gap in the city's market profile and that meet other program criteria may apply to receive assistance for up to \$5 per square foot of operating space for their first 12 months, not to exceed \$20,000 per property. The budget for the program in 2011 is \$60,000 and thus funding may not be available at the time of a request.

Other Incentives

- **Revolving loan pool:** The Lewis and Clark Regional Development Council administers an intermediary loan program from USDA Rural Development attained specifically for business development in Mandan. Owner equity of at least 10 percent of total project costs is required. The IRP loan can be no more than 50 percent of total financing needs not to exceed \$250,000 per project. For more info, call 701-667-7624.

Resource Contact Information

<u>Title</u>	<u>Name</u>	<u>Phone</u>
City Staff		
City Administrator	Jim Neubauer	701-667-3215
Business Development Director	Ellen Huber	701-667-3485
Engineering and Planning -Project Director	Dave Bechtel	701-667-3225
Building Inspection and Assessing	Richard Barta	701-667-3230
Finance Director	Greg Welch	701-667-3213
Public Works	Jeff Wright	701-667-3240
Fire Chief	Steve Nardello	701-667-3288
Advisors/Consultants		
Economic Development	Bismarck-Mandan Development Association Richard Mower	701-222-5530
Environmental Remediation	N.D. Health Dept. Scott Radig	701-328-5166

For additional information such as the City of Mandan's Downtown Redevelopment Plan, site plan and building design requirements, and remediation reports, visit www.cityofmandan.com. If you have other questions not answered here, please contact Ellen Huber, City of Mandan Business Development & Communications Director at 701-667-3485 or ehuber@cityofmandan.com.

5/3/2011

Dear Honorable Mayor and City Commissioners;

Listed and attached are cost estimates for repairs the building at 116 E Main requires. That I will commit to complete.

1. \$19,900 New Roof
2. \$ 5000 Plywood support for Roof
3. \$30,000 Automatic fire protection system
4. \$25,000 Rehabbing two upstairs apartments and remodel main floor retail space.
5. \$ 5000 Repair broken plumbing.
6. \$20,000 Updating façade , replacing windows and installing handicapped entry.

Sincerely;

Scott A Johnson



Rapid Fire Protection Inc.

1805 Samco Road. Rapid City, SD. Phone: 605.348.2342. Fax: 605.348.0108

Date: 5-2-11

Attn: Scott Johnson

Subject: Budget Bid for Building up for sale

Thank you for the opportunity to bid this project. We really do appreciate it.

Scope of Work :

1. Labor and material associated with retro-fitting the building with an automatic fire protection system per NFPA 13, local and state standards.
2. Our proposal is not based off of plans or specifications section and is subject to change after review of complete set of plans.
3. Our proposal is based off of utilizing a wet system for the entire building.
4. Our proposal includes all taxes.
5. Auto Cad files to be provided to our design team at no cost.

Exclusions:

1. Our proposal does not include any underground piping. We will need the underground to be flushed and tested by others. Our work starts at a flange inside the building.
2. Our proposal does not include any electrical work, fire alarm system panels, detectors or wiring of any kind. We will provide all switches that are needed to complete the fire sprinkler system.
3. Our proposal assumes that there will be adequate water available to supply the fire sprinkler system without the use of a fire pump.
4. Our proposal does not include performance or payment bond. This can be provided for an additional cost of 1%.
5. The intent of this bid is for budget purposes only, and is subject to change with the review of the site and a complete set of drawings.

We respectfully request a bid tabulation be made available.

We guarantee our pricing for 30 days. After this time period we may withdraw this bid for any reason.

Our budget price is around thirty thousand dollars (\$30,000)

Sincerely,

Gabriel Hastings
Rapid Fire Protection, Inc.

Accepted by _____

Date _____

Proposal

P.O. Box 86
Mandan, ND 58554
701-663-3196



P.O. Box 545
Dickinson, ND 58602
701-483-7663

1-800-767-3578 • FAX 701-663-0027

PROPOSAL SUBMITTED TO Scott Johnson		PHONE 223-1121	DATE May 2, 2011
STREET		JOB NAME Old Mandan Bookstore	
CITY, STATE AND ZIP CODE		JOB LOCATION Mandan, ND	
ARCHITECT	DATE OF PLANS	JOB PHONE	

We hereby submit specifications and estimates for:

- 1) Remove existing roofing down to wood deck. If there is any bad decking it will have to be replaced on time and material basis.
 - 2) Install 1 layer 2" polyisocyanurate insulation (LTR 12.1).
 - 3) Install 1 layer 1/2" recovery board.
 - 4) All insulation mechanically fastened to deck with screws and plates.
 - 5) Apply a 60-mil EPDM rubber roof system fully adhered to the recovery board.
 - 6) Flash all walls and curbs with 60-mil EPDM flashing membrane. All details as per manufacturer specifications.
 - 7) Furnish and install new prefinished wall cap, gutter and downspout.
 - 8) The existing parapet wall may require repairs to be suitable to install membrane flashing. This work to be done by others.
 - 9) Five (5) year guarantee.
- * To obtain a 10-year manufacturer's warranty "add" \$500.00.

"Plumbing, mechanical, or electrical not included unless specified above."

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

Nineteen thousand, four hundred and 00/100----- dollars (\$ 19,400.00).

Payment to be made as follows:

100% upon completion

A late charge of 1½% per month will be added to charges not paid within 30 days of billing.
We reserve the right to file a mechanic's lien if not paid within 30 days of billing.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature _____
MARVIN MILLER, PRESIDENT
Note: This proposal may be **Thirty (30)** days.
withdrawn by us if not accepted within _____ days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized

Signature _____

PURCHASE AGREEMENT # 1121



PAGE 1

This form is approved by the Bismarck Mandan Board of REALTORS® which disclaims any liability out of use or misuse of this form.

Date 4-30-11 MLS Listing # 313960 Page 1 of 6 Pages

References to "day" or "days" in this Purchase Agreement shall be construed as business days. Business days are defined as Monday through Friday, excluding Federal and State holidays.

Time is of the essence in this Purchase Agreement.

ENTIRE AGREEMENT: This Purchase Agreement, and any addenda or amendments signed by the parties, and any attached exhibits shall constitute the entire agreement between Seller(s) and Buyer(s) and supersedes any other written or oral agreements between Seller(s) and Buyer(s). This Purchase Agreement can be modified only in writing signed by Seller(s) and Buyer(s).

Buyer(s) SCOTT A. JOHNSON has/have agreed to pay FIFTEEN THOUSAND AND 00/100 Dollars (\$ 15,000.00)

for the Property at: Street Address 116 EAST MAIN STREET

City of MANDAN County of MORTON State of ND Zip 58554

Legally described as: LOT 7, BLOCK 6, MANDAN PROPER

The sum of ONE THOUSAND AND 00/100 Dollars (\$ 1000.00) has been received from Buyer(s) by (Check one): Check Cash Note as earnest money to be deposited upon acceptance of Purchase Agreement by all parties, on or before the next business day after acceptance, in the trust account of OAKTREE REALTORS, (Check one): Listing Selling Broker or to be returned to Buyer(s) if Purchase Agreement is not accepted by Seller(s). Buyer(s) agrees to pay in the following manner: Earnest money in the amount mentioned above, and additional earnest money of \$ _____ due on _____ Financing, if any, shall be as follows: (Check one): CONVENTIONAL FHA VA ASSUMPTION CONTRACT FOR DEED OTHER: CASH AT CLOSING

PRE-APPROVAL: Buyer(s) shall provide Seller(s) within _____ days, at 5 p.m., with written evidence acceptable to Seller(s) from a lender, showing pre-approval of a loan sufficient to allow Buyer(s) to purchase the property. If Buyer(s) fails to timely provide such written evidence, either party has the option to terminate this purchase agreement. If financing fails after the contingency completion date, earnest money shall be released: to Buyer to Seller Other Agreement: _____; provided, that nothing herein shall limit the right of Seller to pursue all available remedies for breach of this purchase agreement.

Including the following Property, if any, owned by Seller(s) and used and located on said Property: garden bulbs, plants, shrubs, and trees; storm windows, storm doors, screens, and awnings; window shades, blinds, traverse, curtain and drapery rods; attached lighting fixtures and bulbs; plumbing fixtures, water heater, heating plants; built-in air conditioning equipment, electronic air filter, sump pump, attached television antenna, cable TV jacks and wiring, built-in humidifier and dehumidifier; attached basketball hoops; water softener (Check one): Owned Rented None; propane tank and controls: (Check one): Owned Rented None; BUILT INS: dishwashers, garbage disposals, trash compactors, ovens, cook top stoves, microwave ovens, hood fans, intercoms; ATTACHED: carpeting, mirrors, garage door openers and any controls, smoke detectors, fireplace screens, doors, and heat circulating inserts; and the following personal property (which is included at no additional value): NONE

The following personal property is excluded: NONE

Seller(s) agrees to remove all debris and all personal property not included herein from the Property by possession date.

Buyer(s) Initials: [Signature] Date: 4/30/11 Seller(s) Initials: _____ Date: _____ (Rev. 04/11)

PURCHASE AGREEMENT # 1121



PAGE 2

Includes all government payment, lease, or rental fees received between (date) _____ and (date) _____ unless specified as follows: _____

Homeowner association dues, rents, and all charges for city water, city sewer, electricity, and natural gas shall be prorated between parties as of _____

Heating fuel on hand at the time of possession shall be (Check one): Included Purchased by Buyer(s) N/A.

GOVERNING LAW This agreement shall be governed by, construed and interpreted in accordance with the laws of, and under the jurisdiction of, the State of North Dakota and any actions shall be venued in the county in which the property is located.

REAL ESTATE TAXES, based on the most current certified tax information available, shall be prorated between Seller(s) and Buyer(s) as of CLOSING _____, 20____.

SPECIAL ASSESSMENTS shall be paid as follows: Annual Installments: Estimated annual installment due for the year of closing shall be paid by: (Check one): Buyer(s) and Seller(s) shall prorate as of the date of closing or Seller(s) shall pay on date of closing.

Unpaid Balance: (Check one): Buyer(s) shall assume or Seller(s) shall pay on the date of closing the balance of special assessments as of the date of closing. Following closing, Buyer(s) shall pay all real estate taxes and any unpaid special assessments payable therewith and thereafter, for which the payment is not otherwise provided. No representations have been made concerning the amount of subsequent real estate taxes or special assessments, including but not limited to assessments for completed special improvements, which have not been certified for collection.

CLOSING AND POSSESSION: Closing shall take place on or before MAY 31, 2011. Seller(s) shall deliver possession and keys for Property at time of closing or on _____ Settlement fee to be paid by (Check one): Buyer(s) Seller(s) Other: _____. Settlement and commitment fees as defined by VA to be paid by the Seller on VA Financing. Buyer(s) agrees to allow the purchase price to be part of the Multiple Listing Service database and grants permission to use of the information by MLS participants and related government entities for comparable sales reports and statistics. Seller(s) to transfer security deposits and interest, if any, on leases to Buyer(s) at closing.

DEED/MARKETABLE TITLE: Upon performance by Buyer(s), Seller(s) shall deliver a WARRANTY deed (Warranty Deed unless otherwise specified), conveying marketable title, subject to: (A) Building and zoning laws, ordinances, state and federal regulations; (B) Restrictions relating to use or improvement of the Property; (C) Installments of special assessments or assessments for completed special improvements which have not been certified to the County Auditor for collection. (D) Prior reservation of any mineral rights; (E) Utility and drainage easements; (F) The Seller herein (Check one) Includes mineral rights, if any, owned by Seller(s) or Reserves minerals as set forth in Mineral Reservation Addendum; (G) Rights of tenants as follows (unless specified, not subject to tenancies): _____

(H) Others (must be specified in writing): _____

TITLE AND EXAMINATION: Seller(s), at Seller(s)'s expense, shall furnish an updated abstract of title to the property certified to date, compiled pursuant to the NDLTA Abstracting Standards Manual (02/01/06) OR an ALTA Standard Coverage Owner's title policy, insuring the buyer's interest in the property in the amount of the sales price. If, after examination, Seller(s)'s title is not insurable or free of defects and cannot be made so by Closing, then at Buyer's option, this purchase agreement shall be terminated and the earnest money shall be refunded to Buyer(s). However, Buyer(s) may waive defects and elect to purchase. Seller to pay Abstracting Fees and Owner's Policy of Title Insurance as applicable. Buyers to pay Searching Fees, Attorney's Title Examination Fee, and Lender Policy of Title Insurance.

ENVIRONMENTAL CONCERNS: To the best of the Seller(s)'s knowledge, there are no hazardous substances or underground storage tanks unless otherwise noted in Purchase Agreement.

RISK OF LOSS: If there is any loss or damage to the Property between the date hereof and the date of closing for any reason, including fire, vandalism, flood, hail, wind, earthquake, or act of God, the risk of loss shall be on the Seller(s). If the Property is destroyed or substantially damaged before the closing date, this Purchase Agreement shall become null and void, at Buyer(s)'s option, and the earnest money shall be refunded to Buyer(s).

Buyer(s) Initials: SJS Date: 4/25/11 Seller(s) Initials: _____ Date: _____ (Rev. 04/11)



119 **INSPECTIONS AND REPAIRS:** Seller(s) shall make the Property available for all inspections and tests upon reasonable notice
120 by Buyer(s). Seller(s) shall at Seller(s)'s expense have all utilities on, including any propane, at the time of inspections. Any
121 agreed upon repairs or other actions to correct items shall be completed by Seller(s) prior to Closing unless both parties agree
122 in writing that funds for such repairs shall be escrowed.
123

124 **SQUARE FOOTAGE AND/OR ACREAGE:** Buyer(s) is aware that any reference to the square footage and/or acreage of the
125 Property, both the real Property (land) and improvements thereon, is approximate. If square footage and/or acreage is a
126 material matter to the Buyer(s), it must be verified by the Buyer(s).
127

128 **SELLER(S) WARRANTIES:**

129 Seller(s) warrants that building(s) is/are, or will be, constructed entirely within the boundary lines of the Property.

130 Seller(s) warrants that there is a right of access to the Property from a public right of way.

131 Seller(s) warrants that prior to closing, payment in full will have been made for: 1.) All condo and/or home association fees;
132 and 2.) all labor, materials, machinery, fixtures, or tools, furnished within the 90 days immediately preceding the closing,
133 used in connection with construction, alteration, or repair of any structure on, or improvement to, the Property.

134 Seller(s) warrants that Seller(s) has not received any notice from any governmental authority as to violation of law,
135 ordinance, or regulation for a condition that remains uncorrected, or any other notice from any governmental authority
136 regarding the subject Property.

137 Seller(s) warrants that, if Property is subject to restrictive covenants, Seller(s) has not received any notice from any person or
138 authority as to a breach of the covenants which remains uncorrected. Any notices received by Seller(s) will be provided to
139 Buyer(s) immediately.

140 Seller(s) warrants that all appliances, heating, air conditioning, wiring and plumbing systems used and located on the
141 Property will be in working order on the date of closing, except as noted in the Property disclosure statement.

142 Seller(s) warrants that the Property is directly connected to: City Sewer: yes no Well: yes no

143 Water system is: City Rural. If rural, will membership be transferred? yes no N/A
144

145 **FINAL WALK THROUGH:** The Seller(s) grants Buyer(s) and any representative of Buyer(s) reasonable access to conduct a
146 final walk through of the Property for the purpose of determining that repairs have been completed and that the Property is in
147 substantially the same condition as on the date of acceptance of the contract. Seller(s) understands that the final walk through
148 requires that the utilities be on, including propane, if applicable, and the Seller(s) is responsible for providing same at his
149 expense. If Buyer(s) does not conduct such walk through, Buyer(s) specifically releases Broker(s) of any liability.
150

151 **BUYER(S) RESPONSIBILITY REGARDING INSPECTIONS AND INVESTIGATIONS:** Buyer(s) is advised by Broker to obtain
152 inspections and investigations of the Property. Buyer(s) acknowledges that Buyer(s) should make inquiries and consult
153 government agencies, lenders, insurance agents, architects, and other appropriate persons and entities concerning the use of
154 the Property and the surrounding areas under applicable building, zoning, fire, health, and safety codes, and for
155 evaluation of potential hazards. Buyer(s) shall keep the Property free and clear of liens, shall indemnify and hold Seller(s)
156 harmless from all liability, claims, demands, damages, and costs, and shall repair all damages arising from the inspections.
157 The inspection period is the Buyer(s)'s sole opportunity to discover any existing defects prior to Closing. Buyer(s) waives
158 any claim for an item warranted by the Seller(s) if Buyer(s) becomes aware of such claim during the Inspection Period and
159 does not notify the Seller(s) in writing of such. Buyer(s) specifically releases, holds harmless, and indemnifies Broker(s) from
160 any liability for any defects in the Property. If Buyer(s) requests repairs, Buyer(s) shall provide Seller(s) and Broker(s) upon
161 receipt, at no cost, copies of all reports concerning the Property obtained by Buyer(s).
162

163 **HOME PROTECTION PLAN:** The Buyer(s) and/or Seller(s), at their option, may purchase a Home Protection Plan. This is an
164 option and each plan may vary. Please contact Broker if you are interested. If no action is taken, it will be assumed that you
165 waive this option. Buyer(s) has been made aware of the availability of home warranty plans.

166 Buyer(s) (Check one): Elects Declines to have a home warranty plan.

167 If elects, plan to be paid by (Check one): Buyer(s) or Seller(s) at a cost not to exceed \$ _____. Plan to be
168 ordered by (Check one) Listing Broker Selling Broker. Broker and/or agent ordering the plan may receive a
169 processing fee for services related to the purchase of a home protection plan.
170

171 **MEGAN'S LAW DISCLOSURE:** If Buyer(s) desires to obtain information regarding persons required to register as sexual
172 offenders under North Dakota Law, Buyer(s) must contact the ND Attorney General's office, or access the Attorney
173 General's web site at <http://www.sexoffender.nd.gov/>.
174

175 **LEAD-BASED PAINT DISCLOSURE:** Was Property built prior to 1978? yes no If yes, this purchase
176 agreement is contingent on Buyer(s)'s review and acceptance of the Seller(s)'s "Disclosure of Information on Lead-
177 Based Paint and Lead-Based Paint Hazards" (see Contingencies section).

178 Buyer(s) Initials: SA Date: 4/30/11 Seller(s) Initials: _____ Date: _____ (Rev. 04/11)



179 **DEFAULT:** If Seller(s)'s title is marketable or insurable and Buyer(s), contrary to this agreement, fails, neglects or refuses to
 180 complete the Purchase within ten (10) days after title is proven marketable or insurable, or by the closing date, whichever is
 181 later, then, at Seller(s)'s option either the earnest money shall be forfeited to Seller(s) as liquidated damages, since the parties
 182 agree the calculation of damages to Seller(s) would be difficult to ascertain with certainty and since parties further agree that
 183 the amount of liquidated damages is a reasonable attempt to estimate damages which will be suffered by the Seller(s), and
 184 this Agreement thereupon shall be of no further binding effect; or Seller(s) may demand and pursue any and all other
 185 remedies including but not limited to actual damages or specific performance of this agreement. If Seller(s), contrary to this
 186 Agreement, fails, neglects or refuses to perform as agreed, Buyer(s) may demand and pursue any and all remedies including,
 187 but not limited to, specific performance of this Agreement. A claim of either party for specific performance, or the Seller(s)'s
 188 claim to the earnest money as liquidated damages, shall be waived, unless legal proceedings are commenced within three (3)
 189 months after scheduled date of closing; further, unless the Seller, delivers copies of documents evidencing the Seller's
 190 commencement of legal proceedings to claim the earnest money to the Broker who has possession of the earnest money
 191 within said three-month time period; then the Broker, who has possession of the earnest money, shall be authorized to return
 192 the earnest money to the Buyer, free of any claim by the Seller. Retention of earnest money in any Broker's trust account
 193 pending resolution of the default shall not constitute an election of remedies by either party or prejudice their rights to pursue
 194 any and all other remedies including, but not limited to, specific performance.

196 **CONTINGENCIES:** All applicable contingencies must be initialed by Buyers and Sellers. This purchase agreement is subject
 197 to the satisfaction of those contingencies which are initialed below by both parties.

199 **Buyer(s) and Seller(s) agree that, by 5 p.m. on (date) _____ (contingency completion date),**
 200 **all contingencies agreed to in items 1 through 15 below shall be addressed to completion. The party with the option to**
 201 **terminate shall in no event have less than 48 hours from receipt of required information/documentation to give notice**
 202 **of termination, even if the contingency completion date is extended as a result.**

204 Under the following contingencies, the Buyer, or the Seller, or in certain instances either party, has the option to terminate the
 205 purchase agreement; said option to be exercised by giving written notice by the contingency completion date. If such written
 206 notice is given by the contingency completion date the Buyer(s) shall receive a full refund of the earnest money. If written
 207 notice is not given by the contingency completion date by a party which had the option to terminate the purchase agreement,
 208 then the option to terminate the purchase agreement under the applicable contingencies are deemed to be waived. (See
 209 "Default" section.)

BUYERS AND SELLERS MUST INITIAL ALL APPLICABLE CONTINGENCIES.		BUYER(S) INITIALS	SELLER(S) INITIALS
1. PROPERTY CONDITION STATEMENT: Seller(s) to provide Buyer(s) with a Property Condition Statement. Buyer to review Property Condition Statement. If Buyer does not approve the Property Condition Statement, Buyer has the option to terminate this purchase agreement.			
2. INSPECTIONS: Buyer to complete inspections. If Buyer does not approve the results of the inspections, Buyer has the option to terminate this purchase agreement. Inspections and tests to be conducted at Buyer's Expense : (check all that apply): <input type="checkbox"/> Physical Property Inspection <input type="checkbox"/> Radon <input type="checkbox"/> Mold <input type="checkbox"/> Lead-Based Paint <input type="checkbox"/> Septic System <input type="checkbox"/> Asbestos <input type="checkbox"/> Well <input type="checkbox"/> Other:			
3. LEAD-BASED PAINT: Seller(s) to provide Lead-Based Paint Disclosure (for properties built prior to 1978 only). If Buyer does not approve Lead-Based Paint Disclosure, Buyer has the option to terminate this purchase agreement.			
4. CLAIMS LOSS HISTORY: Seller(s) shall provide an insurance claims loss history report to Buyer(s). (Note: there are several kinds of such reports, one example is a CLUE report). If Buyer does not approve claims loss history report, Buyer has the option to terminate this purchase agreement.			
5. INSURANCE ADJUSTER'S REPORT: Seller(s) shall provide copies of any insurance adjuster's reports for the previous _____ years. If Buyer does not approve insurance adjuster's reports, Buyer has the option to terminate this purchase agreement.			
6. FLOOD PLAIN: Buyer(s) to obtain flood plain verification. If Buyer does not approve the results of the flood plain verification, Buyer has the option to terminate this purchase agreement.			
7. CONDO DOCUMENTS: Seller(s) shall provide current copies of condo by-laws and amendments, regulations, most recent financial statement, and minutes of the last two meetings. If Buyer does not approve these condo documents, Buyer has the option to terminate this purchase agreement.			
8. LEASES: Seller(s) shall provide copies of current leases to Buyer. If Buyer does not approve the leases, Buyer has the option to terminate this purchase agreement.			
9. REGISTERED SEX OFFENDERS: Buyer(s) investigation of the possible presence of registered sex offenders in the vicinity of the property. If Buyer does not approve the findings regarding registered sex offenders, Buyer has the option to terminate this purchase agreement.			
Buyer(s) Initials: <u>JAY</u> Date: <u>4/30/11</u> Seller(s) Initials: _____ Date: _____ (Rev 04/11)			



	BUYER(S) INITIALS	SELLER(S) INITIALS
10. RESTRICTIONS AND COVENANTS: Buyer(s) review of any government and/or private use restrictions and restrictive covenants. If Buyer does not approve the use restrictions or covenants, Buyer has the option to terminate this purchase agreement.		
11. MANUFACTURED HOME PARK: Buyer(s) shall give notice to Seller(s) that approval has been obtained from manufactured home park for Buyer(s) to reside in the manufactured home in its existing location. If Buyer fails to timely provide notice of such approval, either party has the option to terminate this purchase agreement.		
12. WATER QUALITY TESTS: Buyer(s) obtain water quality tests, at Buyer(s) expense. If Buyer does not approve the results of the water quality tests, Buyer has the option to terminate this purchase agreement.		
13. SURVEY: Buyer(s) shall obtain a survey of the property, conducted at (check one): <input type="checkbox"/> Buyer's expense or <input type="checkbox"/> Seller's expense. If Buyer does not approve the results of the survey, Buyer has the option to terminate this purchase agreement.		
14. PLANS AND PERMITS: Buyer(s) to obtain all necessary plans and permits for one or more of the following purposes: building plans and specifications, proposed subdivision development plans, rezoning or use permits, approval of building plans and/or specification in accordance with any recorded subdivision covenants, and approval of the architectural control committee. If Buyer does not obtain said plans and permits, Buyer has the option to terminate this purchase agreement.		
15. SOIL TESTS: Buyer(s) to obtain soil tests and percolation tests at <input type="checkbox"/> Buyer's expense or <input type="checkbox"/> Seller's expense. If Buyer does not approve the test results, Buyer has the option to terminate this purchase agreement.		

OTHER CONTINGENCIES:

A. **APPRAISAL CONTINGENCY:** Buyer's obligation to purchase is contingent on the property appraising at or above the agreed upon purchase price. If this contingency fails, Buyer(s) has the option to terminate this purchase agreement.

B. **24/48/72 HOUR CONTINGENCY ADDENDUM:** (check one) does does not apply (see attached addendum made a part of this contract, if applicable).

C. **CLOSING OF BUYER'S PROPERTY:** (This provision to be used if Buyer's property is under contract at the time of offer): (check one) does does not apply Buyer's obligation to purchase is contingent on closing of Buyer's property at (address) _____ Buyer(s) to provide written evidence within _____ days showing that Buyer(s) property has an accepted purchase agreement with qualified buyer and will close on or before closing of this Purchase Agreement.

PLEASE NOTE: Buyer(s) may incur additional charges for improving the property including, but not limited to hook-up and/or access charges, costs for sewer access, stubbing access, water access, park dedication, road access, utility connection, phone lines, connecting fees, curb cuts, and tree planting.

SPECIAL CONDITIONS:
SELLER TO BRING IN A NEW WATER LINE INTO THE BUILDING, SUFFICIENT TO SUPPLY AMPLE WATER FOR A FIRE SPRINKLER SYSTEM AND TO REPAIR THE SIDEWALK FROM SAID WORK.
SEE ATTACHED CITY OF MANDAN REQUIREMENTS FOR THE SALE OF THE SUBJECT PROPERTY WHICH ARE HEREBY MADE A PART OF THIS AGREEMENT.

RELEASE OF BROKER(S): Seller(s) and Buyer(s) hereby expressly release, hold harmless and indemnify all Broker(s) in this transaction from any and all liability and responsibility, including but not limited to, the property condition, square footage, acreage, lot lines or boundaries, value, rent rolls, environmental problems, mold, water, sanitation systems, roof, wind damage, hail damage, wood infestation and wood infestation report, compliance with building codes or other governmental regulations, or any other material matters relating to the Property.

AGENCY DISCLOSURE: PATRICK MADDOCK (Agent Broker)
Brokerage OAKTREE REALTORS
Stipulates that she/he is representing the (Check one) Seller(s) Buyer(s) Neither Party Both Parties in this transaction. The listing agent or broker stipulates that she/he is representing the Seller(s) in this transaction.

APPOINTED AGENCY: Applies to in-house transactions only. Appointed agency (Check one) Does Does Not apply. If Broker has adopted appointed agency policy, dual agency may not apply. However, an appointed agent who singularly represents both Seller(s) and Buyer(s) in the same transaction is considered to be a disclosed dual agent owing fiduciary duties to both parties and must get permission from parties to act.

Buyer(s) Initials: SAJ Date: 4/20/11 Seller(s) Initials: _____ Date: _____ (Rev 04/11)



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DUAL AGENCY REPRESENTATION: Dual agency representation (Check one) Does Does Not apply in this transaction. If dual agency does not apply, skip this entire section. If dual agency does apply, all parties must sign at the end of this section. Broker represents both the Seller(s) and the Buyer(s) of the Property involved in this transaction, which creates dual agency. This means that Broker and its salespersons owe fiduciary duties to both Seller(s) and Buyer(s). Because the parties may have conflicting interests, Broker and its salespersons are prohibited from advocating exclusively for either party.
Broker cannot act as a dual agent in this transaction without consent of both Seller(s) and Buyer(s). Seller(s) and Buyer(s) acknowledge that:
(1) confidential information communicated to Broker which regards price, terms, or motivation to buy or sell will remain confidential unless Seller(s) or Buyer(s) instructs Broker in writing to disclose this information. Other information will be shared;
(2) Broker and its salespersons will not represent the interest of either party to the detriment of the other;
(3) within the limits of dual agency, Broker and the salespersons will work diligently to facilitate the mechanics of the sale; and with the knowledge and understanding of the explanation above, Seller(s) and Buyer(s) authorize and instruct Broker and its salespersons to act as dual agents in the transactions.

_____ Buyer(s) Signature	_____ Date	_____ Seller(s) Signature	_____ Date
_____ Buyer(s) Signature	_____ Date	_____ Seller(s) Signature	_____ Date

This is an offer to purchase the Property. Unless acceptance is signed by Seller(s) and a signed copy delivered in person, by mail, or facsimile, and received by Buyer(s)'s Agent by (date) _____ at (time) _____ (Check one): am pm CT, or unless this offer to purchase has been previously withdrawn by Buyer(s), this offer shall be deemed withdrawn and the Buyer(s)'s earnest money shall be returned.

<u>Sean Johnson</u> Buyer's Signature	<u>11/30/11</u> Date	_____ Buyer's Signature	_____ Date
_____ Address	_____ Address	_____ Address	_____ Address
_____ City, State, Zip	_____ City, State, Zip	_____ City, State, Zip	_____ City, State, Zip

ACCEPTANCE

A Counter Offer(s) (Check one) Is Is not attached and is incorporated herein by reference. Seller(s) and Buyer(s) must sign both the Contract and the Counter Offer(s). If there is a conflict between this Contract and the Counter Offer(s), the provisions of the Counter Offer shall be controlling.

The Listing Broker, or, if applicable, Seller's Appointed Agent is representing (check one): the Seller(s) exclusively; or both the Buyer(s) and Seller(s).

Listing Broker's name, or, if applicable, Seller's Appointed Agent's name: KAREN FLECK

Brokerage: OAKTREE REALTORS Telephone: 663-3535

The undersigned acknowledge receipt of a copy hereof and grant permission to Selling Broker to deliver a copy to Buyer(s) Agent.

The undersigned agree to sell the Property on the terms and conditions herein stated.

_____ Seller's Signature	_____ Date	_____ Seller's Signature	_____ Date
_____ Seller's Name Printed	_____ Seller's Name Printed	_____ Seller's Name Printed	_____ Seller's Name Printed
_____ Seller's Address	_____ Seller's Address	_____ Seller's Address	_____ Seller's Address
_____ City, State, Zip	_____ City, State, Zip	_____ City, State, Zip	_____ City, State, Zip

Marital status (REQUIRED by Title companies): _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 17, 2011
PREPARATION DATE: May 12, 2011
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Growth Fund Committee Recommendations on Storefront Applications

STATEMENT/PURPOSE: To consider Mandan Growth Fund (MGF) Committee recommendations for approval of three Storefront Improvement Program applications and extension of the timeline to complete a previously approved project.

BACKGROUND/ALTERNATIVES: The MGF met May 11, 2011, to review Storefront Improvement applications received by a deadline of May 2, 2011.

The committee reviewed and recommends funding of the following applications:

1. 308 W Main Street, Harvest LLC — Total cost of the façade project is estimated at \$22,683 to include removal of stucco panels above, framing in and replacement of upper windows, sandblasting and repairing brick, painting, a new sign and exterior lighting. There will be additional cost for the installation of an automatic door and could be additional costs if bricks need to be replaced.
2. 318 & 320 W Main, Dennis Kwandt — This and the adjacent building at 320 W Main are separate parcels, but the façade improvement project is proposed in a unified manner. Façade improvement is estimated at \$65,000 total, or \$32,500 for each building, to include installing new larger windows to fit the original openings, removing the lower brick façade and installing board and batten material with accent lights and new brick façade, removing paint of brick on upper level, sealing and repairing, striping paint of brick and sealing existing brick, and installation of an automatic door.

Additionally, the MGF reviewed a letter of request for an extension of the timeline to complete its previously approved Storefront Improvement project from the Silver Dollar Bar. The project was to have been completed by May 2011. The request is for an extension through Sept. 1, 2011.

Note: Each of the applicants is also seeking Renaissance Zone project approval. The level of proposed investment independently meets the requirements of both programs.

ATTACHMENTS:

- Abbreviated versions applications are included. Full applications available upon request.
- Silver Dollar Bar letter of request for an extension.

FISCAL IMPACT: The recommended matching funds in the amount of \$10,000 for each of the three new projects (\$30,000 total) as well as the \$10,000 for the previously approved Silver Dollar project would be tagged within the \$87,896 remaining available for the Storefront Improvement Program in 2011. The other previously approved project for which funds have been allocated is the Golden Comb, leaving \$37,896 in unallocated Storefront Funds for application periods with deadlines of Aug. 1 and Nov. 1, 2011.

STAFF IMPACT: Minimal.

LEGAL REVIEW: All applications include provisions for automatic doors as required by an initiated ordinance approved by voters in November 2008.

RECOMMENDATIONS: The MGF voted unanimously to recommend approval of \$10,000 in matching funds for each of the applications 1) Harvest LLC, 308 W Main, 2) 318 W Main, Dennis Kwandt , and 3) 320 W Main, Dennis Kwandt.

The MGF also voted to recommend allowing an extension for completion of the Silver Dollar Bar project through Sept. 1, 2011.

SUGGESTED MOTIONS: I move to approve allocation of \$10,000 in matching funds for each of the Storefront Improvement applications 1) Harvest LLC, 308 W Main, 2) 318 W Main, Dennis Kwandt , and 3) 320 W Main, Dennis Kwandt.

I move to approve an extension for completion of the Silver Dollar Bar's Storefront Improvement project through Sept. 1, 2011.



2011 STOREFRONT IMPROVEMENT APPLICATION

PRIMARY CONTACT INFORMATION FOR THIS APPLICATION

Name: Dennis C. Kwandt and Tami Kwandt

Address: 2608 8th Ave SE, Mandan, ND 58554

Phone: 701 202 8977

Fax: _____

E-mail: dkwandt@yahoo.com

Applicant Name:

(name of person/entity
to receive grant)

Dennis Kwandt

Property Owner: Dennis Kwandt

Property Address: 318 west main st. Mandan, ND 58554

Architect/Firm:

(if applicable) J2 Studio

Description of Property

Current tenant(s): **Commercial**

Residential

occupied: 1 **# vacant:** _____

Building History (if available): Built 1884, purchased in April, with 1 tenant, and
vacant apartments above.

Total Cost of

façade renovation: \$32,500

Forgivable

Loan Amount of

Requested: \$10,000

Is the façade renovation part of a larger project?

Yes

No, the façade is the only work I am doing

If yes, please describe comprehensive project.

Renovating Apartments above store front.

Summary of Existing Condition of Façade: (please attach pictures – Attachment 1)
Out dated brick facade, exposed metal oxidized with numerous holes in it. Original brick painted white with weathering and fading.

Summary of Proposed Scope of Work: (materials, color schemes, etc.) Please attach colorized drawings that include pre- and post- rehab detail, indicating specifically what will be modified and how (Attachment 2). Bids or official estimates from licensed commercial contractors or other providers of needed services and materials are required. (Attachment 3)
Taking out current windows, installing new larger windows, removing brick facade installing board and batten Material accent lights and new brick facade. Striping paint of brick and sealing existing brick. Install handicap excisable openings. See attach drawing and Scope from Architect.

Historic Character: How will proposed project affect historic character? (if applicable)
Will restore original brick look, and update weathered and out dated finishes

How will your project complement downtown redevelopment efforts?
Provide an updated and maintained store front, with future apartments to help increase future tax revenue.

For more information, call Business Development Director Ellen Huber at 701-667-3485.

Signature of applicant:  Date: 4/25/11

Signature of property owner: _____ Date: _____
(if different than applicant)

Special Notices

- 1) Properties are eligible only once to receive Storefront Improvement funds.
- 2) Voters in the Nov. 4, 2008, election in the City of Mandan approved an initiated ordinance that states, "Installation of electric handicap accessible entrance doors are required on every building open to the public that has received public funds in any form whatsoever." Any property receiving Storefront Improvement funds since Nov. 14, 2008, is subject to the requirement. Include an estimate for an automatic door at least for the main entrance if you do not have one.



2011 STOREFRONT IMPROVEMENT APPLICATION

PRIMARY CONTACT INFORMATION FOR THIS APPLICATION

Name: Dennis C. Kwandt and Tami Kwandt

Address: 2608 8th Ave SE, Mandan, ND 58554

Phone: 701 202 8977

Fax: _____

E-mail: dkwandt@yahoo.com

Applicant Name:

(name of person/entity to receive grant)

Dennis Kwandt

Property Owner: Dennis Kwandt

Property Address: 320 west main st. Mandan, ND 58554

Architect/Firm:

(if applicable)

J2 Studio

Description of Property

Current tenant(s): Commercial _____

Residential

occupied: 1

vacant: _____

Building History (if available): Built 1884, purchased in April, with 1 tenant, and vacant apartments above.

Total Cost of

façade renovation: \$32,500

Forgivable

Loan Amount of

Requested: _____

\$10,000

Is the façade renovation part of a larger project?

Yes

No, the façade is the only work I am doing

If yes, please describe comprehensive project.

Renovating Apartments above store front.

Summary of Existing Condition of Façade: (please attach pictures – Attachment 1)
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Summary of Proposed Scope of Work: (materials, color schemes, etc.) Please attach colorized drawings that include pre- and post- rehab detail, indicating specifically what will be modified and how (Attachment 2). Bids or official estimates from licensed commercial contractors or other providers of needed services and materials are required. (Attachment 3)

Taking out current windows, installing new larger windows, removing brick facade installing board and batten Material accent lights and new brick facade. Striping paint of brick and sealing existing brick. Install handicap excisable openings. See attach drawing and Scope from Architect.

Historic Character: How will proposed project affect historic character? (if applicable)
Will restore original brick look, and update weathered and out dated finishes

How will your project complement downtown redevelopment efforts?
Provide an updated and maintained store front, with future apartments to help increase future tax revenue.

For more information, call Business Development Director Ellen Huber at 701-667-3485.

Signature of applicant:  Date: 4/25/11

Signature of property owner: _____ Date: _____
(if different than applicant)

Special Notices

- 1) Properties are eligible only once to receive Storefront Improvement funds.
- 2) Voters in the Nov. 4, 2008, election in the City of Mandan approved an initiated ordinance that states, "Installation of electric handicap accessible entrance doors are required on every building open to the public that has received public funds in any form whatsoever." Any property receiving Storefront Improvement funds since Nov. 14, 2008, is subject to the requirement. Include an estimate for an automatic door at least for the main entrance if you do not have one.



March 21, 2011

Dennis Kwandt
2608 8TH Avenue Southeast
Mandan, ND 58554

RE: Bird Dog Brewery
Opinion of Probable Costs

To whom it may concern;

Bird Dog Brewery is a renovation of an existing building in Mandan, North Dakota. The existing building is approximately 3,600 SF per floor, with a basement, main floor, and second floor. In addition, there is a small mezzanine in the proposed property that will be renovated and expanded with this proposed project. The building is subdivided on both the main floor and basement with masonry wall with no penetrations between the spaces. The second floor currently consists of apartments, which are not currently planned to be renovated and therefore will not be included in this scope of work.

The following proposed scope of work is for only the west side of the existing main floor and basement, which is approximately 1,760 SF per floor. Renovation also includes expanding the existing mezzanine to a total area of 565 SF.

Renovation will consist of:

- Demolition of existing finishes, included paneled walls, mirrors, flooring, acoustical lay-in ceilings, non-load bearing partitions, mechanical, plumbing and electrical items,
- Installing new finishes; includes paint, new ceilings, flooring, etc
- Refurbishing interior masonry and wood floors
- Expanding and updating the mechanical and electrical systems
- New lighting, including accent lighting
- Construction and installation of the bar, back bar and storage room
- Relocation of the janitor's sink.
- Upgrading the restrooms to comply with building code and accessibility.
- Installation of coolers and brewing equipment in the basement.
- Reconfiguration of the stairs to the mezzanine.
- Widening of the stairs to the basement.

The estimated cost for the interior renovation is \$290,000. This equates to approximately \$90/SF for the main floor and mezzanine renovation and \$45/SF for the basement renovation.

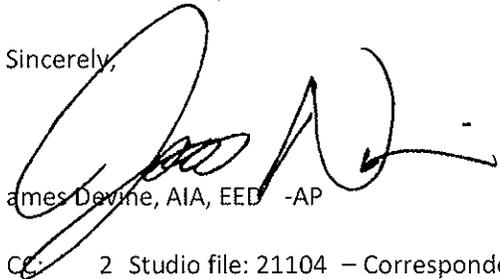
In addition to the interior renovation, the exterior faade of the entire building will be renovated and upgraded as follows:

- Paint will be removed from existing masonry. The masonry will be repaired and sealed.
- Existing, original trim will be refurbished and re-painted.
- Window openings on the second floor will be restored.
- The stone masonry on the main floor of the faade will be removed and replaced with thin brick veneer masonry. Note the stone masonry is not part of the original building faade.
- A new board and batten system will be installed above the entry doors in a similar configuration to the original faade, which was likely glass block. The original lines will be carried through the renovation of the faade.
- New, insulated windows will be installed at both spaces.
- The alcoves accessing the entrance doors will be renovated to be framed walls to accommodate handicap operators at both doors. The walls will be clad with board and batten.
- New entrance doors will be installed at both the two businesses and at the access door to the second floor.
- Accent lighting will be installed on the existing columns.
- New signage will be installed.

The estimated cost for the exterior faade improvements is \$222,000.

The total estimated cost for construction is \$355,000.

Sincerely,



James Devine, AIA, EED -AP

CC: 2 Studio file: 21104 – Correspondence



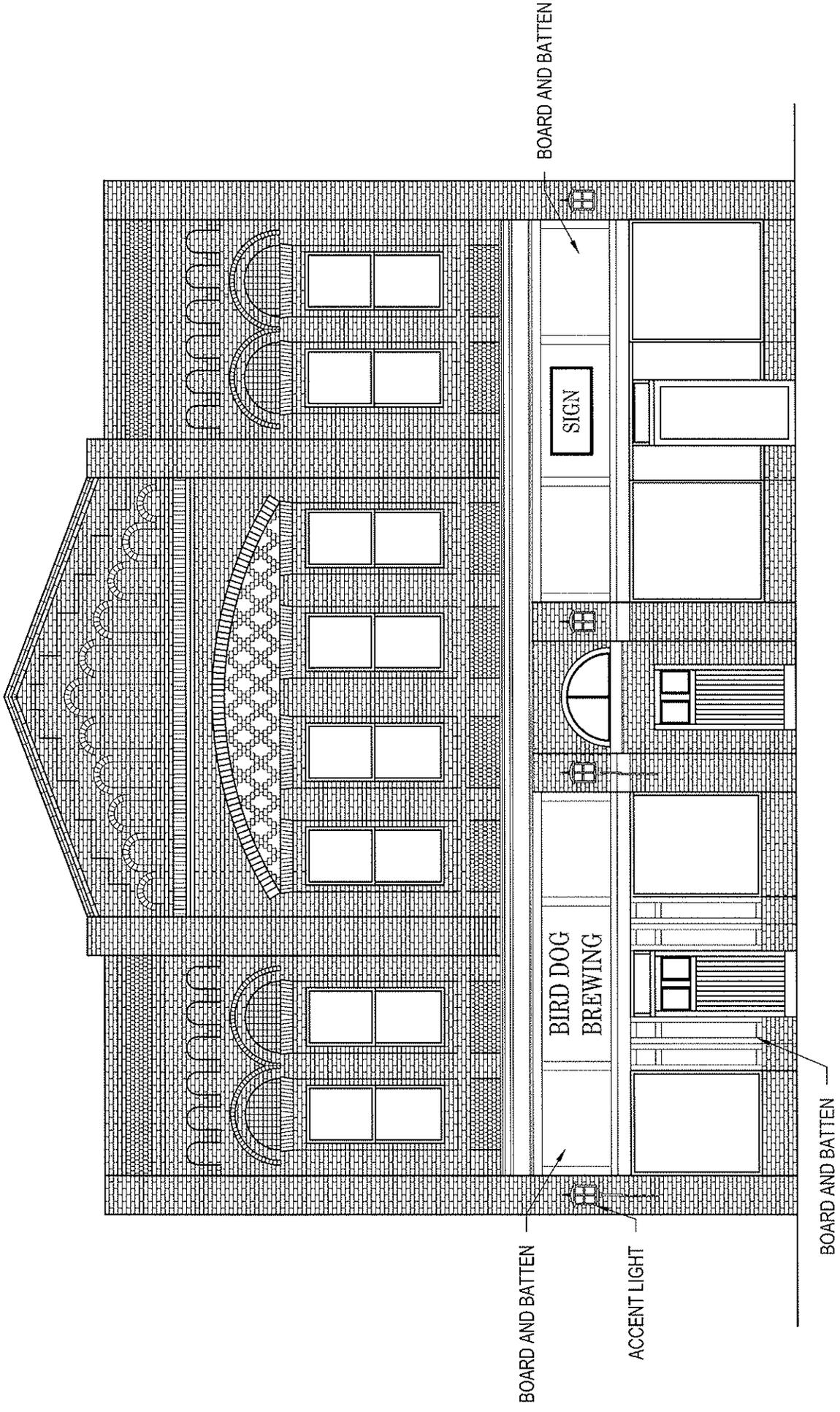
320 & 318 W Main (front or south facing side)



318 & 320 W Main (back or north facing side)



Larger view of 300 Block of W Main



BOARD AND BATTEN

ACCENT LIGHT

BIRD DOG
BREWING

SIGN

BOARD AND BATTEN

BOARD AND BATTEN



2011 STOREFRONT IMPROVEMENT APPLICATION

PRIMARY CONTACT INFORMATION FOR THIS APPLICATION

Name: EDGAR K. OLIVEIRA

Address: 317 S. BROADWAY LINTON ND 58552

Phone: 701 471 0295 Fax: _____

E-mail: edgar@harvestlinton.com

Applicant Name:

(name of person/entity to receive grant)

HARVEST LLC

Property Owner:

ZILA OLIVEIRA + EDGAR OLIVEIRA

Property Address:

308 WEST MAIN ST.

Architect/Firm:

(if applicable)

BRETT DONAT, EAPC (701) 224 7306

Description of Property

Current tenant(s): Commercial _____

Residential # occupied: _____ # vacant: _____

Building History (if available): _____

JC PENNEY, THE OLD HAT, TGW LIQUIDATORS

Total Cost of
façade renovation: \$ ~ 20,000

Forgivable
Loan Amount of
Requested: \$ 10,000

Is the façade renovation part of a larger project?

Yes No, the façade is the only work I am doing

If yes, please describe comprehensive project.

SEE ATTACHED SHEET

Summary of Existing Condition of Façade: (please attach pictures – Attachment 1)

THE EXISTING PANELS ARE IN REALLY POOR CONDITION AND ARE CRUMBLING NEAR THE TOP OF THE BUILDING - SEE ATTACHED PHOTOS

Summary of Proposed Scope of Work: (materials, color schemes, etc.) Please attach colorized drawings that include pre- and post- rehab detail, indicating specifically what will be modified and how (Attachment 2). Bids or official estimates from licensed commercial contractors or other providers of needed services and materials are required. (Attachment

3) WE ARE CURRENTLY IN THE PROCESS OF OBTAINING BIDS FROM CONTRACTORS. HOWEVER, I HAD REQUESTED FROM THE ARCHITECT A FAÇADE THAT WOULD RUN BETWEEN \$20,000 AND \$25,000.

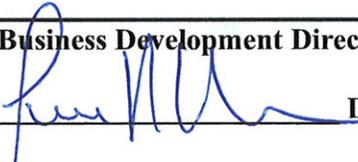
Historic Character: How will proposed project affect historic character? (if applicable)

THE GOAL IS TO TAKE THE BUILDING BACK TO THE "JC. PENNEY" AREA AND EARLIER BY EXPOSING THE BRICK AND WINDOWS.

How will your project complement downtown redevelopment efforts?

THE PROJECT INVOLVES THE CREATION OF A RESTAURANT THAT IS UNIQUE TO THE STATE.

For more information, call Business Development Director Ellen Huber at 701-667-3485.

Signature of applicant:  Date: 4/28/11

Signature of property owner: _____ Date: _____
(if different than applicant)

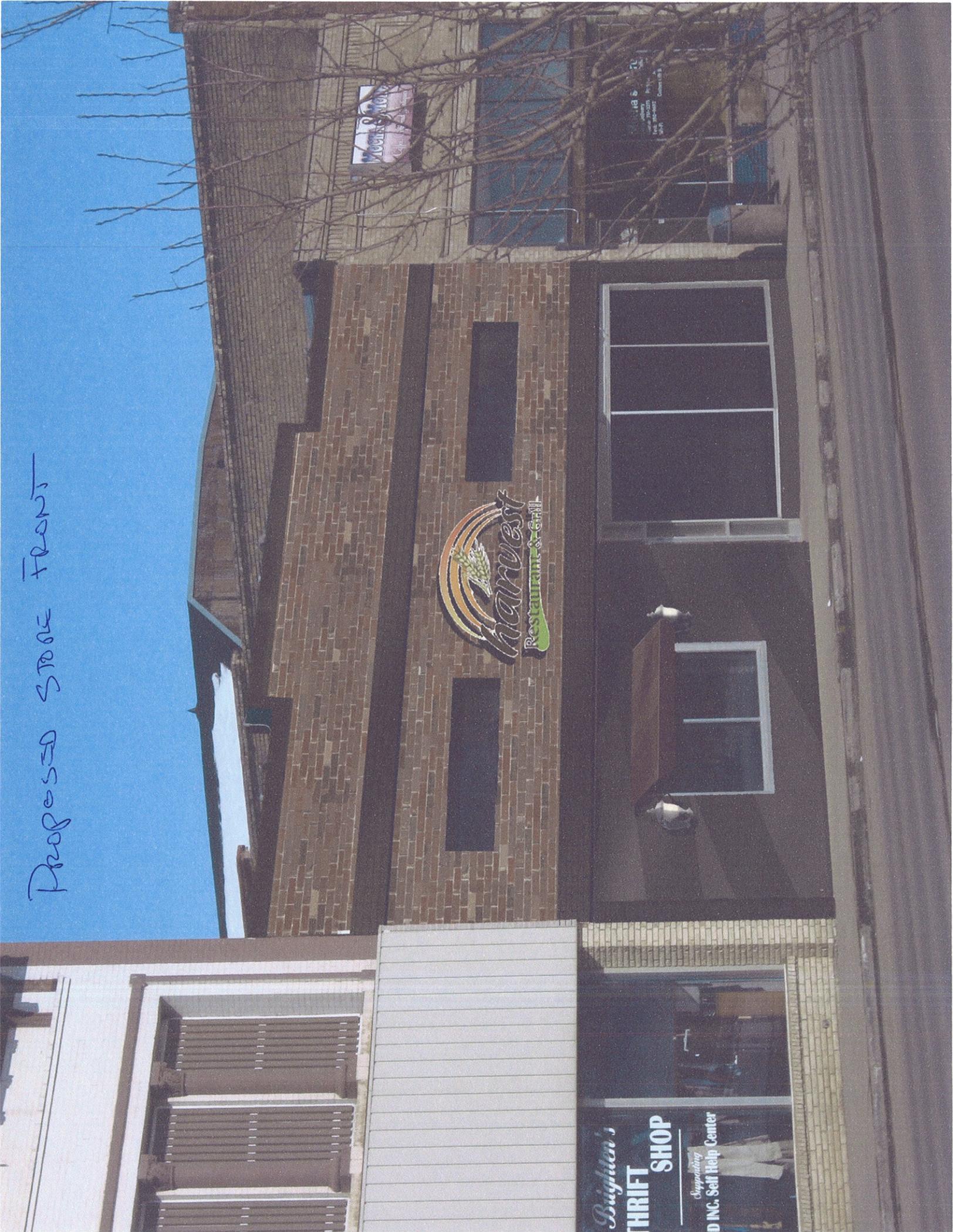
Special Notices

- 1) Properties are eligible only once to receive Storefront Improvement funds.
- 2) Voters in the Nov. 4, 2008, election in the City of Mandan approved an initiated ordinance that states, "Installation of electric handicap accessible entrance doors are required on every building open to the public that has received public funds in any form whatsoever." Any property receiving Storefront Improvement funds since Nov. 14, 2008, is subject to the requirement. Include an estimate for an automatic door at least for the main entrance if you do not have one.

CURRENT
4/28/11



Proposed Stone Front



MOORE & WOOD

1000 S. 10th St.
Wichita, KS 67202
316.261.1234

harvest
Restaurant & Grill

Bughler's
THRIFT SHOP

Supporting
D INC. Self Help Center



Hopfauf
Custom Builders

P.O. Box 416 - Mandan, ND 58552

(701) 663-7691 • Fax: (701) 663-7692

www.hopfaufcustombuilders.com

PROPOSAL

DATE **NUMBER**

5/8/2011

2899

To:

Harvest Restaurant & Grill
Edgar Oliverins
316 S Broadway
Linton, ND 58552

DESCRIPTION

Remodel Front of Building at 308 W. Main, Mandan. Work to include Removal of Stucco Panels Above, Frame in 2 Sets of 3 Windows Above. Provide and Install Windows.

General Framing Group - Building Permit, Framing Material and Framing Labor 7,485.00

Windows 2,808.00

Subtotal 10,293.00

Allowances

Awning Allowance 1,740.00

Sandblast and Repair Brick Allowance 2,050.00

Painting Allowance 2,200.00

Sign Allowance 6,000.00

Light Fixture Allowance 400.00

Subtotal Allowances 12,390.00

This Price is Assuming Brick is in Fair Shape Under Existing Facade. There would be Additional Costs if Brick Needs to be Replaced

TOTAL **\$22,683.00**



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 17, 2011
PREPARATION DATE: May 12, 2011
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Growth Fund Committee Recommendation on Restaurant Incentive Application

STATEMENT/PURPOSE: To consider a Mandan Growth Fund (MGF) Committee recommendation for approval of a Restaurant Incentive application.

BACKGROUND/ALTERNATIVES: The MGF met May 11, 2011. Among agenda items was review and consideration of a Restaurant Incentive application submitted by the Harvest Brazilian Grill, which has acquired the 308 W Main Street building. The restaurant has been operating in Linton and proposes to open in Mandan by approximately mid-June. In the Mandan building, they plan to utilize 15,500 square feet of operating space and to be open each day of the week with lunch and dinner service. The restaurant expects to employ 15 to 20 people. The Brazilian BBQ concept, featuring large cuts of meat served table side, is unique to the market and will likely be a destination for residents and travelers from throughout the region. Pasta, burgers, sandwiches, salad bar and other entrees will also be served. The Lewis and Clark Regional Development Council's staff provided a review of the restaurant's business plan and financial history.

Use of public incentives is among criteria considered by the MGF Committee. The applicant is also seeking Storefront Improvement matching funds in the amount of \$10,000 and Renaissance Zone property and state income tax exemptions. The restaurant's estimated investment in the building, interior and exterior improvements, and equipment is estimated at \$342,500. The use of public incentives is estimated at 14.6 percent if all incentives being sought are approved. This resulted in a middle score for this particular criteria, with 30% or more resulting in the lowest rating.

The rating system has 13 different criteria in total. MGF members arrived at an average rating of 4.16 on a scale of 1 to 5 with 5 being the highest. A score of 4.0 warrants the

maximum level of incentive at \$5 per square foot of operating space with a maximum of \$20,000 per building.

ATTACHMENTS:

- Abbreviated version of application. Full application available upon request.

FISCAL IMPACT: The recommended \$20,000 would be set aside for payment in 12 equal installments following each month of operations. It comes from the Growth Fund (generated by sales tax), specifically the \$60,000 allocated for the Retail and Restaurant Incentive Program in 2011.

STAFF IMPACT: Some monitoring and reporting will be necessary.

LEGAL REVIEW: An automatic door is planned as required by an initiated ordinance approved by voters in November 2008.

RECOMMENDATIONS: The MGF voted unanimously to recommend approval of \$20,000 as an incentive for the Harvest Brazilian Grill restaurant.

SUGGESTED MOTIONS: I move to approve \$20,000 as an incentive for the Harvest Brazilian Grill restaurant, payable in 12 equal monthly installments following each month of operations.



CITY OF
MANDAN
"WHERE THE WEST BEGINS"

2011 Retail & Restaurant Incentive Program APPLICATION & CHECKLIST

Business Name HARVEST BRAZILIAN GRILL

Address of Proposed Downtown Business 308 WEST MAIN ST.

Applicant's Mailing Address 317 S BROADWAY City LINTON State ND Zip 58552

Applicant's Phone 701 471 0295 Email edgar@harvestlinton.com

Use: (Circle)

Retail

Square Feet _____

Restaurant

Square Feet 8275

AMOUNT OF ASSISTANCE REQUESTED PER SQUARE FOOT \$ 5

Approximate cost to open the business: \$ ~~200~~ 335,995⁰⁰

Personal Investment \$ 80,000 (Equity)

Bank or other financial commitment \$ ~ 255,995⁰⁰ Other: _____

Building Acquisition or Construction Cost \$ 195,000

Building Rehabilitation \$ 55-60,000 Lease Term ~~10~~

Monthly Rent/Lease Per Square Foot \$ _____ Landlord Match _____

Proposed Opening Date of the Business JUNE 16, 2011

Description of the Business Including Products and Services Being Offered _____

BRAZILIAN BBQ STEAKHOUSE, RESTAURANT & BAR

Number of New Jobs ¹⁵⁻²⁰ 2 ~~2000~~ Expected daily traffic 100-200 Estimated Opening Date 6/16/11

Weekly hours of operation 56

Other Business & Applicant Information

Please submit as many of the following items as possible in order for the City of Mandan Growth Fund Committee and City Commission to make an appropriate decision on an application:

- Option to buy agreement for a building or letter of intent to lease contingent on receipt of incentives
- Business plan
- Personal financial statement and 3 years federal tax returns for principals of any new business, or business operating less than one year. Three years tax returns for any existing business
- Marketing plan
- Cost estimates for up-fit/equipping the space
- Business/personal history
- Certificate of Good Standing from N.D. Tax Department (waiting for title)
- Proof of registration with N.D. Secretary of State

Be advised as per North Dakota open records law that applications may be released to the public if requested except for portions subject to NDCC 44-04-18.4 pertaining to confidentiality of trade secret, proprietary, commercial, and financial information.

Restaurant concept:

The Harvest Grill is a traditional Brazilian BBQ restaurant. Brazilian BBQ is characterized by large cuts of meat served table side on skewers by “passers” who cut the meat right onto the customer's plate. The meats include ribeye, N.Y. Strip, top sirloin, top sirloin cap, flank steak, two types of sausage, chicken and pork loin with parmesan. Also served table side is grilled pineapple. The meats are accompanied by a salad bar and typical Brazilian entrees such as black beans, kale, rice, vegetables and bread. This is an all-you-can eat concept, and patrons are encouraged to ask for their favorite cuts of meat at their desired temperatures (rare vs. well done etc).

Our restaurant is the only one of its kind in North Dakota. The nearest similar restaurants are located in Minneapolis and Sioux Falls.

We plan to have the Brazilian BBQ served in the evenings along with a few “smaller” alternatives. Here's the nightly menu:

- **Full Brazilian BBQ:** All you can eat ribeye, N.Y. Strip, top sirloin, top sirloin cap, flank, grilled pineapple, smoked sausage, spicy sausage, chicken, pork loin with parmesan. Served with salad bar and traditional entrees. \$28.95

- **Mini Brazilian BBQ:** All you can eat, top sirloin, grilled pineapple, smoked sausage, spicy sausage, chicken, pork loin with parmesan. Served with salad bar and traditional entrees. \$24.95.

- **Salad Bar & Buffet:** \$12.95
- **Harvest Burger:** \$6.50
- **Cheese Burger:** \$5.50
- **Grilled Chicken Sandwich** \$6.50
- **Harvest Pasta:** \$12.95
- **Fettucini Alfredo:** \$12.95
- **Ham & cheese pannini:** \$5.50
- **Turkey club sandwich:** \$6.50

Lunch menu:

All sandwiches are served with potato chips & pasta salad.

- **Daily Entree:** Our daily entree cooked from scratch, using only real ingredients, served in a *normal* portion size. \$6.50
- **Brazilian Rice & Beans:** A traditional staple. Brazilian black beans with chunks of sausage, pork and beef served with kale and white rice. \$6.50.
- **Salad Bar:** \$6.50
- **Harvest Burger:** \$6.50
- **Cheese Burger:** \$5.50

- **Grilled Chicken Sandwich** \$6.50
- **Harvest Pasta:** 12.95
- **Fettucini Alfredo:** 12.95
- **Ham & Cheese Pannini:** 5.50
- **Turkey Club Sandwich:** 6.50
- **Soup:** \$4.50
- **Soup & Salad:** \$6.50

Business Background:

The Harvest is a family owned and operated business. Our family is originally from southern Brazil, the birthplace of Brazilian BBQ. We have been operating our restaurant since March of 2009, and have been featuring the BBQ since January of 2010. We currently employ 12 part-time employees.

Why Mandan?

Our primary reason for moving to Mandan *is volume*. Currently, we can only serve the Brazilian BBQ on Fridays and Saturdays. We have noticed that the vast majority of our customers come from Bismark & Mandan area, with only a minority of local (Linton) customers. Our restaurant concept works on the weekends but we simply never had the volume to sustain it during the weekdays in Linton. We plan to close the Linton restaurant upon opening the Mandan location.

Operating Hours:

Monday - Sunday: 11am – 2pm 4 – 9 pm

Marketing Plan:

We been very fortunate to have gotten considerable press over the past year due to our BBQ. We been featured in the Bismark Tribune, Cliff Naylor's "Off the Beaten Path", City Magazine and the Fine Living Review. Cliff chose the Harvest as one of the "Top 10 Destinations" of 2010. We currently have inquiries from Cliff Naylor, the Bismark Tribune and KFYZ-TV, all interested in covering our opening date. We also have a monthly ad with City Magazine as well as a website (www.harvestlinton.com) that is updated often with special and/or events.

Most importantly, we rely heavily on "word of mouth" advertising and have had the privilege of several repeat customers despite the distance to Bismark/Mandan.

Benefit to the Community:

We feel the restaurant would be an asset to the community in a number of ways, primarily:

- The Harvest Restaurant has become a known destination place, as such it would benefit our city in terms of pulling traffic from Bismark and other cities.
- Job creation. We plan to have 15 to 20 new jobs available.
- Traffic generation to adjacent businesses.
- We plan to have a meeting & event space that would benefit local businesses.

Intended Property Improvements

Capital Improvements:

- Bathroom remodelling in order to meet code. Installation of three fixtures and two sinks per bathroom plus new light fixtures, ceilings and floor. **Approximate cost: \$13,500**
- Installation of the fire suppression system. **Approximate cost: \$29,000**
- Installation of kitchen equipment: **Approximate cost: \$15,000.**
- Required electrical system
- Required plumbing
- Required gas lines
- Refinishing of hard wood floors in the main floor, mezzanine and offices (~ 6775 sq ft). **Approximate cost \$1000.**
- Installation of handicapped doors. **Approximate cost \$3500.**
- Remodeling of mezzanine bathrooms (flooring, door) **Approximate cost \$300.**
- Building a new stairwell rail, adding new balusters, sanding and refinishing of wood steps, adding stair runner. Increasing the mezzanine rail height: **Approximate cost \$2500**
- New store front: **Approximate cost \$20,000-\$25,000.**
- Adding plumbing, bar counter and electrical outlets to the bar area. **Approximate cost \$10,000.**

Non Capital Improvements

- Installation of new light fixtures in mezzanine and front entrance. **Approximate cost \$800.**
- Painting of kitchen ceiling, main room walls, mezzanine walls and bar. **Approximate cost \$1000.**
- Adding carpet to the front entrance. **Approximate cost \$1200.**
- Refinishing brick wall in front entrance. **Approximate cost \$100.**
- New office carpet. **Approximate cost \$500.**
- Repairing drywall. **Approximate cost \$100.**



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 17, 2011
PREPARATION DATE: May 12, 2011
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Renaissance Zone Committee Recommendations on Applications & Policy

STATEMENT/PURPOSE: To consider Renaissance Zone (RZ) Committee recommendations for approval of four project applications and establishment of a policy regarding deadlines for commencement and completion of projects.

BACKGROUND/ALTERNATIVES: The RZ Committee met May 12, 2011, to review applications. The committee reviewed and recommends approval of the following:

- 1. Rehabilitation of 318 W Main by Dennis Kwandt** — The application is for a \$32,500 façade makeover (as part of a unified approach with the adjacent building). This building's current value is \$25,000. A minimum project qualification is an investment in improvements equal to at least 50% of the the building's value with a \$15,000 minimum. The proposed investment of \$22,500 in private funds (assuming \$10,000 in Storefront Improvement funding) exceeds the minimum requirement. The building's street level is currently leased to Express Yourself Salon. Plans are to renovate the second story apartments in the future, but that is not part of the scope of the application at this time.
- 2. Rehabilitation of 320 W Main by Dennis Kwandt** — The application is for an estimated \$32,500 in exterior improvements, plus an estimated \$290,000 in interior improvements. The building is currently valued at \$28,600. The investment far exceeds 50% of the building's value and the \$15,000 building minimum. The building is currently vacant. Plans are to renovate the second story apartments in the future, but that is not part of the scope of the application at this time.
- 3. Lease of 320 W Main by Bird Dog Brewing** — The application is for lease of space in a building poised for rehabilitation as an RZ project. The business is unique and will likely serve as a destination draw. It is expected to employ 3 to 4 people. An additional investment in equipment is pegged at \$51,000. The business will also generate additional restaurant and lodging tax collections.

4. **308 W Main Street, Harvest LLC** — The application includes exterior improvements estimated at \$22,683 plus interior improvements ranging from \$60,000 to \$100,000 to include expansion of restrooms, creation of the kitchen space and installation of a fire suppression system. The building's current value is \$91,300, putting the minimum required investment at \$45,650. Thus even with \$10,000 in Storefront funding, it by far meets this qualification. In addition to the building rehab and occupancy of a vacant building, the business is expected to help fill Mandan's demand for restaurants, serve as a regional draw, and create 15-20 jobs. The restaurant has been in operation in Linton, but will be closing due to lack of volume on days besides Fridays and Saturdays. The Mandan location will be larger and plans are for it to be open 7 days a week with lunch and dinner service.
5. **Policy on project timelines** — Based on a suggestion from the N.D. Commerce Department and because there are a few Mandan projects that have been in progress for 3 to 4 years since approval, the RZ Committee moved to recommend adopting the same standards as that included in the City's property tax exemption policy — that a project must commence within one year of City Commission approval and be completed within two years.

ATTACHMENTS: Abbreviated applications are included. Full applications available upon request.

FISCAL IMPACT:

1. Rehab of 318 W Main & 320 W Main — The Assessing Department had estimated the value of both buildings upon completion at \$325,000. An estimate is needed of the value of each building separately, however Richard Barta was out of the office for training this week. An estimate should be available at the meeting. The combined property tax exemption is estimated at \$6,646 annually for a five year total of \$33,230. The state income tax exemption is estimated at \$234 annually for each building for a five-year total of \$1,170 for each building.
2. Lease of 320 W Main — The estimated state income tax exemption is \$5,272 annually for a five-year total of \$26,359.
3. Rehab of 308 W Main — Building official Barta was not available this week to provide an estimate of the building's value with the improvements. Using a rough estimate of a \$60,000 increase in building value to \$151,300 total, the property tax exemption is estimated at \$3,100 annually for a five-year total of \$15,500. A more official estimate should be available by the meeting. The state income tax exemption is forecast at \$2,400 a year or \$12,000 over five years.

STAFF IMPACT: Minimal.

LEGAL REVIEW: All applications include provisions for automatic doors as required by an initiated ordinance approved by voters in November 2008. Signatures on business incentive agreements have been obtained for the 320 W Main rehabilitation project, the

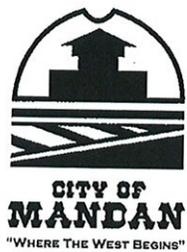
Bird Dog Brewing lease application, and the 308 W Main rehabilitation project. Such agreements are required when the incentives total more than \$25,000 in value over the course of five years.

RECOMMENDATIONS: The Renaissance Zone Committee unanimously voted (5-0 with 2 absent) to recommend approval of each of the applications as well as the new policy.

SUGGESTED MOTIONS:

1. I move to approve the rehabilitation of 318 W Main as a Renaissance Zone project with the five-year 100% property and state income tax exemptions.
2. I move to approve the rehabilitation of 320 W Main as a Renaissance Zone project with the five-year 100% property and state income tax exemptions.
3. I move to approve the lease of space in 320 W Main as a Renaissance Zone project with the 100% state income tax exemption.
4. I move to approve the rehabilitation of 308 W Main as a Renaissance Zone project with the associated five-year 100% property and state income tax exemptions.
5. I move to approve the establishment of a Renaissance Zone policy requiring projects to commence within one year of City Commission approval and to be completed within two years.

Rehab



RENAISSANCE ZONE PROJECT APPLICATION

A Renaissance Zone project must be approved by the Mandan Renaissance Zone Committee, Mandan City Commission and the N.D. Commerce Department — Division of Community Services before the qualifying event occurs (purchase, rehabilitation, lease or new construction). Submit applications to the City of Mandan Business Development Office, 205 Second Avenue NW, Mandan, ND 58554, phone 701-667-3485.

APPLICANT INFORMATION

1. Type of project

- Commercial/Business
- Residential

2. Name of applicant(s)/or business name DENNIS, TAMI KWANDT

Tax identification or social security number (both for joint filers)

127568715 / 502 07 869

Legal name (if different than trade name) _____

Type of entity (for commercial/ business applications)

- Partnership
- Corporation
- Subchapter S corporation
- Cooperative
- Sole proprietorship
- Limited liability company
- Limited liability partnership

3. Mailing address 2608 8TH AVE SE, MANDAN, ND 58554

4. Phone number 701 751 0691

5. E-mail address DKWANDT@YAHOO.COM

PROJECT INFORMATION

6. Street address of proposed project 320 & 318 WEST MAIN

7. Legal description RETAIL

8. Current owner (if different than applicant) _____

9. Current use of property RENTAL

10. Parcel size (in square feet) (318) = 3250 SQ FT (320) = 3250 SQ FT

11. Building floor area (in square feet) (318) 4000 SQ FT (320) = 4000 SQ FT

12. Type of project

- New construction
- Purchase with improvements
- Rehabilitation
- Leasehold improvements
- Lease
 - New
 - Expansion – additional square footage _____
 - Continuation of a lease

If a lease project, does it involve relocation of a business from one location in the city's Renaissance Zone to another location in the Renaissance Zone?

- Yes
- No

13. Project description (scope of work including breakout of capital improvements)

RENOVATE BASEMENT & FIRST FLOOR OF 320,
* RENOVATE 2ND FLOORS ON 318 & 320, FOR APARTMENTS
* NOT PART OF THIS APPLICATION, APARTMENTS ARE A FUTURE PLAN. DCKET

14. Current true and full value of the building (318) \$25,000 (320) 28600

15. Total estimated cost of improvements (attach cost estimates) \$ 290,000

Note: Any grant funds may not be counted in determining if the cost of improvements or rehabilitation meets or exceeds the minimum requirements.

16. Estimated value of building after improvements have been completed \$ 325,000

17. Estimated property tax benefit (annually) \$ 6,646 (five years) \$ 33,230

18. Estimated state income tax benefit (annually) see below (five years) _____

Is the entity subject to the financial institution tax (NDCC 57-35.3)?

- Yes
- No

318 - \$234/yr - \$1,170
5yr
320 - \$234/yr - \$1,170

19. Describe how the project benefits the community (Examples: Business created, expanded or retained, additional jobs created, additional products or services available, improved property, etc.)

UPDATING CURRENT PROPERTY TO INCREASE USE,
AND POSSIBLY BRING IN NEW PATRONS TO MANDAY,
ADD TO THE TAX BASE.

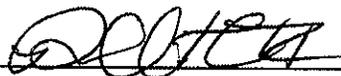
5 year

NOTICE OF ADDITIONAL LOCAL REQUIREMENT

Voters in the Nov. 4, 2008, election in the City of Mandan approved an initiated ordinance that states, "Installation of electric handicap accessible entrance doors are required on every building open to the public that has received public funds in any form whatsoever." Include an estimate for an automatic door at least for the main entrance if subject building or business space does not have one.

APPLICANT CERTIFICATION

Applicant certifies that, to the best of his or her knowledge and belief, the information contained in the application and attached hereto is true and correct.

Signature of applicant:  Date: 4/14/2011

BUILDING OWNER CERTIFICATION — For lease-hold improvement projects only

I, as owner of the property at _____, which includes an approximate _____ square foot lease space addressed _____, grant permission to _____ (applicant) to make leasehold improvements to this space as a Renaissance Zone project. I understand and acknowledge that if there is any rehabilitation to the building at a future date that this space does not qualify as a Renaissance Zone project.

Building Owner Name – printed

Building Owner Signature

Date

FOR OFFICE USE ONLY

	<u>Date</u>	<u>Recommendation</u>
Review by Mandan Renaissance Zone Committee	_____	Approval or Denial
Review by City Commission	_____	Approval or Denial
Review by N.D. Commerce Department Division of Community Services	_____	Approval or Denial

Renaissance Zone Block _____ Renaissance Zone Project _____

Date of actual project completion _____

20. Project timeline including anticipated start and completion dates.

Jun 11 - Jan 2013

21. Does this project involve historical preservation or renovation?

- Yes
 No

For projects that involve historical preservation or renovation, but are not part of a rehabilitation project, provide a description of the work and the estimated costs. A **letter of approval from the Historical Society is required to claim any historical tax credits either on a rehabilitation project or renovation.** Information for historical properties may be obtained by contacting the Historical Society at: (701) 328- 2666.

22. Evidence that the taxpayer is current on local and state taxes?

- Yes
 No

Attach copy of certificate of Good Standing from the N.D. Tax Department and proof of payment of current real estate taxes such as a copy of a receipt from the Morton County Treasurer's Office.

23. For residential projects, please provide evidence that the home is the taxpayer's primary residence.

SUMMARY OF ATTACHMENTS

Documents to be submitted along with application:

- Certificate of Good Standing from N.D. Tax Commissioner
- Proof of payment of current real estate taxes
- Contractor(s) detailed cost estimate(s) — for improvements, rehab or new construction with capital improvements delineated as compared to non-capital improvements. Capital improvements include, but are not limited to, replacement or updating of roof, foundation, structure, siding, windows, doors or other weatherization improvements, electrical, plumbing, heating, ventilation or central air conditioning. Non-capital improvements are items such as floor coverings, wall treatments, cabinets, furnishings, and window treatments.
 - o Rehabilitation
 - Commercial — must demonstrate that the proposed re-investment is at least 50 percent of the current and true value of the, of which not less than 80 percent will be used for capital improvements
 - Residential — must demonstrate that the proposed re-investment is at least 20 percent of the current and true value of the building, of which not less than 80 percent will be used for capital improvements and no more than 20 percent for detached out buildings
 - o New construction — documentation that the proposed investment is at least \$55 per square foot
- Current photo(s) of property showing all sides of any existing building(s) — for improvements, rehab
- Site plan — for new construction or expansion
- Proposed building elevations, with exterior building material and color clearly indicated — for improvements, rehab, new construction
- Proof of primary residence — for residential applications
- Proof of benefit from property tax exemption — for leasehold improvement applications

BUSINESS INCENTIVE AGREEMENT — For tax incentives exceed \$25,000

NDCC 54-60 requires any business that receives a reduction or deferral of any tax of \$25,000 or greater to enter into a Business Incentive Agreement. For purposes of the Renaissance Zone Program, this includes any combination of property tax exemption, state income tax exemption, or historical tax credit that exceeds \$25,000.

Name and address of the parent corporation if any.

Name DENNIS KWANDT

Address 2608 8TH AVE SE, MANDAN 58554

Location of the business prior to receiving the business incentive.

Address 320 WEST MAIN

City MANDAN State ND

Was any additional financial assistance received from any state or other political subdivision grantors (does not include state or local taxes)?

- Yes
 No

If yes, please list the name and amount below.

STORE FRONT APPLICATION FOR 10,000

By signing this document, the recipient agrees:

- to continue operations in the jurisdiction in which the business incentive is issued for five years or more after the benefit date, and
- to report for two years on number of jobs created, average wages, and average benefits.

By signing this agreement, the recipient verifies that it has not failed to meet the terms of any business incentive agreement in the last five years.

Dated this 5/12TH MAY day of 12, 20 11

Recipient [Signature]

On behalf of (business) DENNIS KWANDT

Dated this _____ day of _____, 20_____

Grantor _____

On behalf of the City of Mandan

Dated this _____ day of _____, 20_____

Grantor _____

On behalf of the N.D. Commerce Department — Division of Community Services



March 21, 2011

Dennis Kwandt
2608 8TH Avenue Southeast
Mandan, ND 58554

RE: Bird Dog Brewery
Opinion of Probable Costs

To whom it may concern;

Bird Dog Brewery is a renovation of an existing building in Mandan, North Dakota. The existing building is approximately 3,600 SF per floor, with a basement, main floor, and second floor. In addition, there is a small mezzanine in the proposed property that will be renovated and expanded with this proposed project. The building is subdivided on both the main floor and basement with masonry wall with no penetrations between the spaces. The second floor currently consists of apartments, which are not currently planned to be renovated and therefore will not be included in this scope of work.

The following proposed scope of work is for only the west side of the existing main floor and basement, which is approximately 1,760 SF per floor. Renovation also includes expanding the existing mezzanine to a total area of 565 SF.

Renovation will consist of:

- Demolition of existing finishes, included paneled walls, mirrors, flooring, acoustical lay-in ceilings, non-load bearing partitions, mechanical, plumbing and electrical items,
- Installing new finishes; includes paint, new ceilings, flooring, etc
- Refurbishing interior masonry and wood floors
- Expanding and updating the mechanical and electrical systems
- New lighting, including accent lighting
- Construction and installation of the bar, back bar and storage room
- Relocation of the janitor's sink.
- Upgrading the restrooms to comply with building code and accessibility.
- Installation of coolers and brewing equipment in the basement.
- Reconfiguration of the stairs to the mezzanine.
- Widening of the stairs to the basement.

The estimated cost for the interior renovation is \$290,000. This equates to approximately \$90/SF for the main floor and mezzanine renovation and \$45/SF for the basement renovation.

In addition to the interior renovation, the exterior façade of the entire building will be renovated and upgraded as follows:

- Paint will be removed from existing masonry. The masonry will be repaired and sealed.
- Existing, original trim will be refurbished and re-painted.
- Window openings on the second floor will be restored.
- The stone masonry on the main floor of the façade will be removed and replaced with thin brick veneer masonry. Note the stone masonry is not part of the original building façade.
- A new board and batten system will be installed above the entry doors in a similar configuration to the original façade, which was likely glass block. The original lines will be carried through the renovation of the façade.
- New, insulated windows will be installed at both spaces.
- The alcoves accessing the entrance doors will be renovated to be framed walls to accommodate handicap operators at both doors. The walls will be clad with board and batten.
- New entrance doors will be installed at both the two businesses and at the access door to the second floor.
- Accent lighting will be installed on the existing columns.
- New signage will be installed.

The estimated cost for the exterior façade improvements is \$65,000.

The total estimated cost for construction is \$355,000.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Devine', written over the printed name.

James Devine, AIA, LEED-AP

CC: J2 Studio file: J21104 – Correspondence



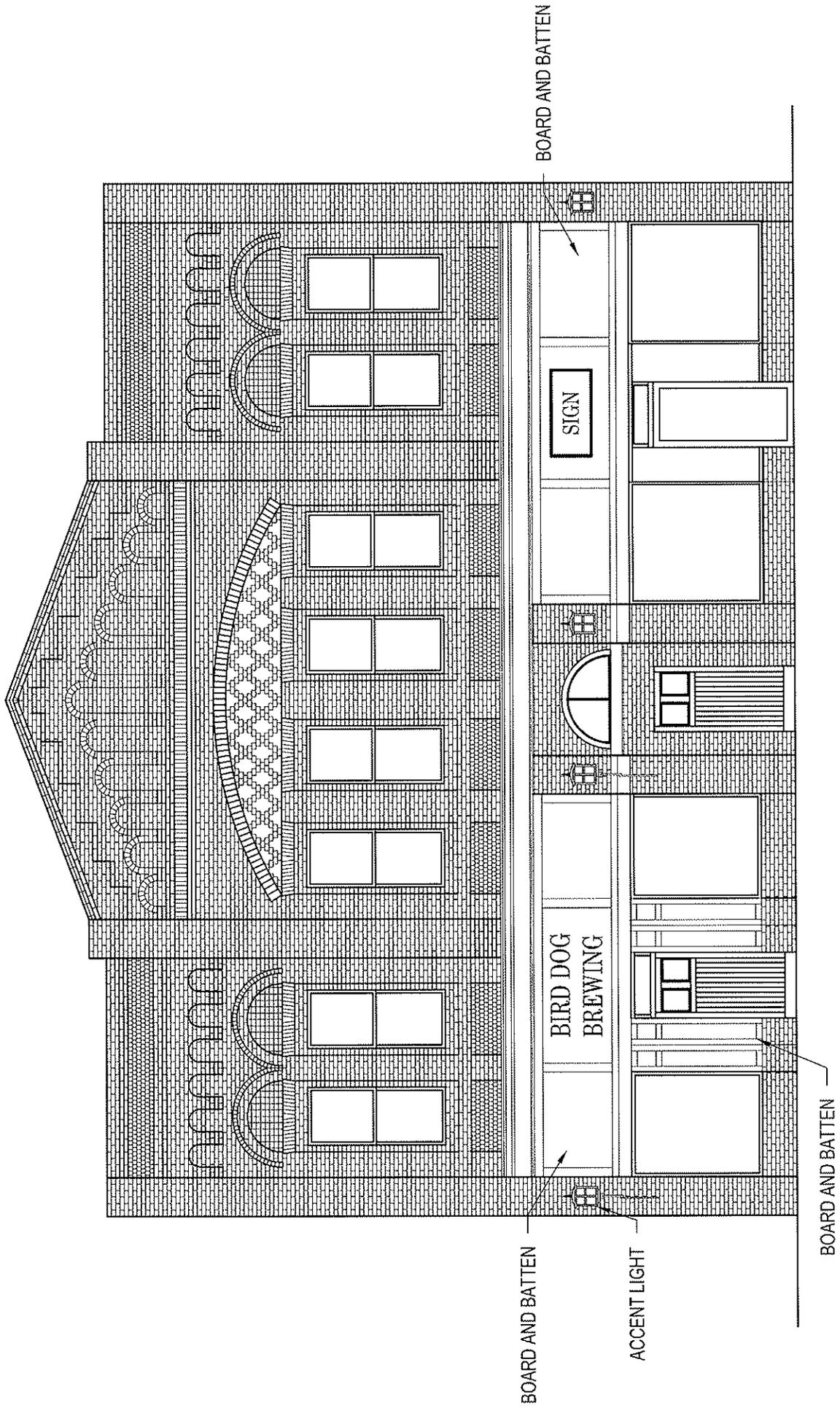
320 & 318 W Main (front or south facing side)



318 & 320 W Main (back or north facing side)



Larger view of 300 Block of W Main





STATE OF NORTH DAKOTA
OFFICE OF STATE TAX COMMISSIONER
Cory Fong, Commissioner

April 26, 2011

Ref: L1666972160

DENNIS C. KWANDT
2608 8TH AVE SE
MANDAN ND 58554-6402

RE: Renaissance Zone Certificate Of Good Standing, State Income And Sales Taxes Only

This letter is evidence of good standing as required by the North Dakota Division of Community Services for purposes of obtaining final approval of a renaissance zone project.

As of the date of this letter, the records in the North Dakota Office of State Tax Commissioner do not show probable cause to believe that any income taxes (including income tax withheld from wages) or sales and use taxes are due and owing to the State of North Dakota by the following taxpayer:

Taxpayer's Name: DENNIS C. KWANDT
SSN or FEIN: 1-9-56-9915

The enclosed copy of this letter must be submitted (as part of the zone project application) to the local zone authority for the renaissance zone in which the proposed zone project will be located. Please keep this original letter for your records.

/s/ Nathan Bergman

Nathan Bergman
Supervisor, Individual Income Tax and Withholding
Phone: (701) 328-1296
Email: nwbergman@nd.gov

Enc.



STATE OF NORTH DAKOTA
OFFICE OF STATE TAX COMMISSIONER
Cory Fong, Commissioner

April 26, 2011

Ref: L1491273216

TAMI J. DECOTEAU
2608 8TH AVE SE
MANDAN ND 58554-6402

RE: Renaissance Zone Certificate Of Good Standing, State Income And Sales Taxes Only

This letter is evidence of good standing as required by the North Dakota Division of Community Services for purposes of obtaining final approval of a renaissance zone project.

As of the date of this letter, the records in the North Dakota Office of State Tax Commissioner do not show probable cause to believe that any income taxes (including income tax withheld from wages) or sales and use taxes are due and owing to the State of North Dakota by the following taxpayer:

Taxpayer's Name: TAMI J. DECOTEAU
SSN or FEIN: [REDACTED]

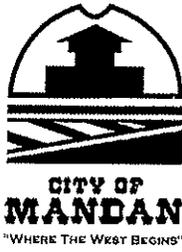
The enclosed copy of this letter must be submitted (as part of the zone project application) to the local zone authority for the renaissance zone in which the proposed zone project will be located. Please keep this original letter for your records.

/s/ Nathan Bergman

Nathan Bergman
Supervisor, Individual Income Tax and Withholding
Phone: (701) 328-1296
Email: nwbergman@nd.gov

Enc.

Lease



RENAISSANCE ZONE PROJECT APPLICATION

A Renaissance Zone project must be approved by the Mandan Renaissance Zone Committee, Mandan City Commission and the N.D. Commerce Department — Division of Community Services before the qualifying event occurs (purchase, rehabilitation, lease or new construction). Submit applications to the City of Mandan Business Development Office, 205 Second Avenue NW, Mandan, ND 58554, phone 701-667-3485.

APPLICANT INFORMATION

1. Type of project

- Commercial/Business
- Residential

2. Name of applicant(s)/or business name BIRD DOG BREWING

Tax identification or social security number (both for joint filers)

1

Legal name (if different than trade name) DENNIS & TAMU KWANDT

Type of entity (for commercial/ business applications)

- Partnership
- Corporation
- Subchapter S corporation
- Cooperative
- Sole proprietorship
- Limited liability company
- Limited liability partnership

3. Mailing address 2608 8TH AVE SE MANDAN, ND 58554

4. Phone number 701 751 0691

5. E-mail address dkwandt@YA1400.COM

PROJECT INFORMATION

6. Street address of proposed project 320 WEST MAIN, MANDAN, ND 58554

7. Legal description BREWERY, PUB

8. Current owner (if different than applicant) _____

9. Current use of property VACANT

10. Parcel size (in square feet) 3250

11. Building floor area (in square feet) 9000

12. Type of project

- New construction
- Purchase with improvements
- Rehabilitation
- Leasehold improvements

Lease

New

Expansion – additional square footage _____

Continuation of a lease

If a lease project, does it involve relocation of a business from one location in the city's Renaissance Zone to another location in the Renaissance Zone?

Yes

No

13. Project description (scope of work including breakout of capital improvements)

INSTALL COOLING ROOMS IN BASEMENT, PUB ON MAIN LEVEL

14. Current true and full value of the building 28600

15. Total estimated cost of improvements (attach cost estimates) _____

Note: Any grant funds may not be counted in determining if the cost of improvements or rehabilitation meets or exceeds the minimum requirements.

16. Estimated value of building after improvements have been completed n/a

17. Estimated property tax benefit (annually) n/a (five years) _____

18. Estimated state income tax benefit (annually) \$5,272 (five years) \$26,359

Is the entity subject to the financial institution tax (NDCC 57-35.3)?

Yes

No

19. Describe how the project benefits the community (Examples: Business created, expanded or retained, additional jobs created, additional products or services available, improved property, etc.)

NEW TAX BASE, JOBS, AND PATRONS TO MANNAN.

- 3-4 jobs - Equip investment = \$51,000
- Hours Th-Mon 4-10, Sat noon-mid Sun noon-5
- Now opening - 2011

20. Project timeline including anticipated start and completion dates.

JUN - AUG 2011

21. Does this project involve historical preservation or renovation?

- Yes
 No

For projects that involve historical preservation or renovation, but are not part of a rehabilitation project, provide a description of the work and the estimated costs. A **letter of approval from the Historical Society is required to claim any historical tax credits either on a rehabilitation project or renovation.** Information for historical properties may be obtained by contacting the Historical Society at: (701) 328- 2666.

22. Evidence that the taxpayer is current on local and state taxes?

- Yes
 No

Attach copy of certificate of Good Standing from the N.D. Tax Department and proof of payment of current real estate taxes such as a copy of a receipt from the Morton County Treasurer's Office.

23. For residential projects, please provide evidence that the home is the taxpayer's primary residence.

SUMMARY OF ATTACHMENTS

Documents to be submitted along with application:

- Certificate of Good Standing from N.D. Tax Commissioner
- Proof of payment of current real estate taxes
- Contractor(s) detailed cost estimate(s) — for improvements, rehab or new construction with capital improvements delineated as compared to non-capital improvements. Capital improvements include, but are not limited to, replacement or updating of roof, foundation, structure, siding, windows, doors or other weatherization improvements, electrical, plumbing, heating, ventilation or central air conditioning. Non-capital improvements are items such as floor coverings, wall treatments, cabinets, furnishings, and window treatments.
 - o Rehabilitation
 - Commercial — must demonstrate that the proposed re-investment is at least 50 percent of the current and true value of the, of which not less than 80 percent will be used for capital improvements
 - Residential — must demonstrate that the proposed re-investment is at least 20 percent of the current and true value of the building, of which not less than 80 percent will be used for capital improvements and no more than 20 percent for detached out buildings
 - o New construction — documentation that the proposed investment is at least \$55 per square foot
- Current photo(s) of property showing all sides of any existing building(s) — for improvements, rehab
- Site plan — for new construction or expansion
- Proposed building elevations, with exterior building material and color clearly indicated — for improvements, rehab, new construction
- Proof of primary residence — for residential applications
- Proof of benefit from property tax exemption — for leasehold improvement applications

NOTICE OF ADDITIONAL LOCAL REQUIREMENT

Voters in the Nov. 4, 2008, election in the City of Mandan approved an initiated ordinance that states, "Installation of electric handicap accessible entrance doors are required on every building open to the public that has received public funds in any form whatsoever." Include an estimate for an automatic door at least for the main entrance if subject building or business space does not have one.

APPLICANT CERTIFICATION

Applicant certifies that, to the best of his or her knowledge and belief, the information contained in the application and attached hereto is true and correct.

Signature of applicant:  Date: 4/14/11

BUILDING OWNER CERTIFICATION — For lease-hold improvement projects only

I, as owner of the property at _____, which includes an approximate _____ square foot lease space addressed _____, grant permission to _____ (applicant) to make leasehold improvements to this space as a Renaissance Zone project. I understand and acknowledge that if there is any rehabilitation to the building at a future date that this space does not qualify as a Renaissance Zone project.

Building Owner Name – printed

Building Owner Signature

Date

FOR OFFICE USE ONLY

	<u>Date</u>	<u>Recommendation</u>
Review by Mandan Renaissance Zone Committee	_____	Approval or Denial
Review by City Commission	_____	Approval or Denial
Review by N.D. Commerce Department Division of Community Services	_____	Approval or Denial

Renaissance Zone Block _____ Renaissance Zone Project _____

Date of actual project completion _____

BUSINESS INCENTIVE AGREEMENT — For tax incentives exceed \$25,000

NDCC 54-60 requires any business that receives a reduction or deferral of any tax of \$25,000 or greater to enter into a Business Incentive Agreement. For purposes of the Renaissance Zone Program, this includes any combination of property tax exemption, state income tax exemption, or historical tax credit that exceeds \$25,000.

Name and address of the parent corporation if any.

Name DENNIS KWANDT

Address 2608 8TH AVENUE, MANDAN ND 58554

Location of the business prior to receiving the business incentive.

Address ~~2608~~ 318 WEST MAIN

City MANDAN State ND

Was any additional financial assistance received from any state or other political subdivision grantors (does not include state or local taxes)?

- Yes
 No

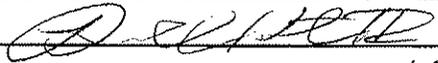
If yes, please list the name and amount below.

By signing this document, the recipient agrees:

- to continue operations in the jurisdiction in which the business incentive is issued for five years or more after the benefit date, and
- to report for two years on number of jobs created, average wages, and average benefits.

By signing this agreement, the recipient verifies that it has not failed to meet the terms of any business incentive agreement in the last five years.

Dated this MAY day of 12, 2011

Recipient 

On behalf of (business) DENNIS KWANDT

Dated this _____ day of _____, 20_____

Grantor _____

On behalf of the City of Mandan

Dated this _____ day of _____, 20_____

Grantor _____

On behalf of the N.D. Commerce Department — Division of Community Services



STATE OF NORTH DAKOTA
OFFICE OF STATE TAX COMMISSIONER
Cory Fong, Commissioner

April 26, 2011

Ref: L1666972160

DENNIS C. KWANDT
2608 8TH AVE SE
MANDAN ND 58554-6402

RE: Renaissance Zone Certificate Of Good Standing, State Income And Sales Taxes Only

This letter is evidence of good standing as required by the North Dakota Division of Community Services for purposes of obtaining final approval of a renaissance zone project.

As of the date of this letter, the records in the North Dakota Office of State Tax Commissioner do not show probable cause to believe that any income taxes (including income tax withheld from wages) or sales and use taxes are due and owing to the State of North Dakota by the following taxpayer:

Taxpayer's Name: DENNIS C. KWANDT
SSN or FEIN: [REDACTED]

The enclosed copy of this letter must be submitted (as part of the zone project application) to the local zone authority for the renaissance zone in which the proposed zone project will be located. Please keep this original letter for your records.

/s/ Nathan Bergman

Nathan Bergman
Supervisor, Individual Income Tax and Withholding
Phone: (701) 328-1296
Email: nwbergman@nd.gov

Enc.



STATE OF NORTH DAKOTA
OFFICE OF STATE TAX COMMISSIONER
Cory Fong, Commissioner

April 26, 2011

Ref: L1491273216

TAMI J. DECOTEAU
2608 8TH AVE SE
MANDAN ND 58554-6402

RE: Renaissance Zone Certificate Of Good Standing, State Income And Sales Taxes Only

This letter is evidence of good standing as required by the North Dakota Division of Community Services for purposes of obtaining final approval of a renaissance zone project.

As of the date of this letter, the records in the North Dakota Office of State Tax Commissioner do not show probable cause to believe that any income taxes (including income tax withheld from wages) or sales and use taxes are due and owing to the State of North Dakota by the following taxpayer:

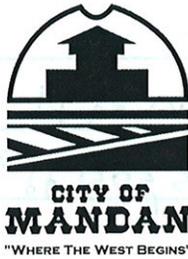
Taxpayer's Name: TAMI J. DECOTEAU
SSN or FEIN: 703-04-8159

The enclosed copy of this letter must be submitted (as part of the zone project application) to the local zone authority for the renaissance zone in which the proposed zone project will be located. Please keep this original letter for your records.

/s/ Nathan Bergman

Nathan Bergman
Supervisor, Individual Income Tax and Withholding
Phone: (701) 328-1296
Email: nwbergman@nd.gov

Enc.



RENAISSANCE ZONE PROJECT APPLICATION

A Renaissance Zone project must be approved by the Mandan Renaissance Zone Committee, Mandan City Commission and the N.D. Commerce Department — Division of Community Services before the qualifying event occurs (purchase, rehabilitation, lease or new construction). Submit applications to the City of Mandan Business Development Office, 205 Second Avenue NW, Mandan, ND 58554, phone 701-667-3485.

APPLICANT INFORMATION

1. Type of project

- Commercial/Business
 Residential

2. Name of applicant(s)/or business name HARVEST, LLC

Tax identification or social security number (both for joint filers)

26 364 5419 /

Legal name (if different than trade name) _____

Type of entity (for commercial/ business applications)

- Partnership
 Corporation
 Subchapter S corporation
 Cooperative
 Sole proprietorship
 Limited liability company
 Limited liability partnership

3. Mailing address 317 S BROADWAY, LINTON ND 58552

4. Phone number 701 254-5806

5. E-mail address edgar@harvestlinton.com

PROJECT INFORMATION

6. Street address of proposed project 308 WEST MAIN ST.

7. Legal description RESTAURANT

8. Current owner (if different than applicant) _____

20. Project timeline including anticipated start and completion dates.

5/1/11 - 6/30/11

21. Does this project involve historical preservation or renovation?

- Yes
- No

For projects that involve historical preservation or renovation, but are not part of a rehabilitation project, provide a description of the work and the estimated costs. A **letter of approval from the Historical Society is required to claim any historical tax credits either on a rehabilitation project or renovation.** Information for historical properties may be obtained by contacting the Historical Society at: (701) 328- 2666.

22. Evidence that the taxpayer is current on local and state taxes?

- Yes
- No

Attach copy of certificate of Good Standing from the N.D. Tax Department and proof of payment of current real estate taxes such as a copy of a receipt from the Morton County Treasurer's Office.

23. For residential projects, please provide evidence that the home is the taxpayer's primary residence.

SUMMARY OF ATTACHMENTS

Documents to be submitted along with application:

- Certificate of Good Standing from N.D. Tax Commissioner
- Proof of payment of current real estate taxes
- Contractor(s) detailed cost estimate(s) — for improvements, rehab or new construction with capital improvements delineated as compared to non-capital improvements. Capital improvements include, but are not limited to, replacement or updating of roof, foundation, structure, siding, windows, doors or other weatherization improvements, electrical, plumbing, heating, ventilation or central air conditioning. Non-capital improvements are items such as floor coverings, wall treatments, cabinets, furnishings, and window treatments.
 - o Rehabilitation
 - Commercial — must demonstrate that the proposed re-investment is at least 50 percent of the current and true value of the, of which not less than 80 percent will be used for capital improvements
 - Residential — must demonstrate that the proposed re-investment is at least 20 percent of the current and true value of the building, of which not less than 80 percent will be used for capital improvements and no more than 20 percent for detached out buildings
 - o New construction — documentation that the proposed investment is at least \$55 per square foot
- Current photo(s) of property showing all sides of any existing building(s) — for improvements, rehab
- Site plan — for new construction or expansion
- Proposed building elevations, with exterior building material and color clearly indicated — for improvements, rehab, new construction
- Proof of primary residence — for residential applications
- Proof of benefit from property tax exemption — for leasehold improvement applications

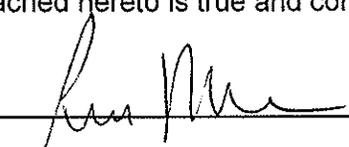
✓ COPY of LEASE - CONTRACT FOR PSED

NOTICE OF ADDITIONAL LOCAL REQUIREMENT

Voters in the Nov. 4, 2008, election in the City of Mandan approved an initiated ordinance that states, "Installation of electric handicap accessible entrance doors are required on every building open to the public that has received public funds in any form whatsoever." Include an estimate for an automatic door at least for the main entrance if subject building or business space does not have one.

APPLICANT CERTIFICATION

Applicant certifies that, to the best of his or her knowledge and belief, the information contained in the application and attached hereto is true and correct.

Signature of applicant:  Date: 4/23/11

BUILDING OWNER CERTIFICATION — For lease-hold improvement projects only

I, as owner of the property at _____, which includes an approximate _____ square foot lease space addressed _____, grant permission to _____ (applicant) to make leasehold improvements to this space as a Renaissance Zone project. I understand and acknowledge that if there is any rehabilitation to the building at a future date that this space does not qualify as a Renaissance Zone project.

Building Owner Name – printed

Building Owner Signature

Date

FOR OFFICE USE ONLY

	<u>Date</u>	<u>Recommendation</u>
Review by Mandan Renaissance Zone Committee	_____	Approval or Denial
Review by City Commission	_____	Approval or Denial
Review by N.D. Commerce Department Division of Community Services	_____	Approval or Denial

Renaissance Zone Block _____ Renaissance Zone Project _____

Date of actual project completion _____

BUSINESS INCENTIVE AGREEMENT — For tax incentives exceed \$25,000

NDCC 54-60 requires any business that receives a reduction or deferral of any tax of \$25,000 or greater to enter into a Business Incentive Agreement. For purposes of the Renaissance Zone Program, this includes any combination of property tax exemption, state income tax exemption, or historical tax credit that exceeds \$25,000.

Name and address of the parent corporation if any.

Name HARVEST LLC

Address 317 S BROADWAY LINDON 58552

Location of the business prior to receiving the business incentive.

Address 308 WEST MAIN

City MANDAN State ND

Was any additional financial assistance received from any state or other political subdivision grantors (does not include state or local taxes)?

- Yes
- No

If yes, please list the name and amount below.

STOREFRONT IMPROVEMENT APPLIED FOR \$ 10,000
RESTAURANT INCENTIVE APPLIED FOR \$ 20,000

By signing this document, the recipient agrees:

- to continue operations in the jurisdiction in which the business incentive is issued for five years or more after the benefit date, and
- to report for two years on number of jobs created, average wages, and average benefits.

By signing this agreement, the recipient verifies that it has not failed to meet the terms of any business incentive agreement in the last five years.

Dated this 11 day of MAY, 2011

Recipient [Signature]

On behalf of (business) HARVEST LLC

Dated this _____ day of _____, 20_____

Grantor _____

On behalf of the City of Mandan

Dated this _____ day of _____, 20_____

Grantor _____

On behalf of the N.D. Commerce Department — Division of Community Services

Harvest Restaurant Project Description:

The project involves the remodelling of the 308 West Main building in order to accommodate a restaurant.

Capital Improvements:

- Construction of the Bathroom in order to meet code. Intallation of three fixtures plus two sinks per bathroom plus new light fixtures, ceilings and floor.
- Installation of the fire suppression system in main floor and basement
- Installation of kitchen equipment including
 - Required electrical system
 - Required plumbing
 - Required gas lines
- Refinishing of hard wood floors in the main floor, mezzanine and offices (~ 6775 sq ft).
- Raising of the mezzanine rail to meet code (currently short by 6 inches)
- Installation of handicapped doors.
- Remodeling of mezzanine bathrooms (new flooring, door)
- Building a new stairwell rail, adding new balusters, sanding and refinshing wood steps, adding runner.
- New store front
- Adding plumbing and electrical to bar area.

Non Capital Improvements

- Installation of new light fixture in mezzanine and front entrance
- Painting of kitchen ceiling, main room walls, mezzanine walls and bar
- Adding carpet to the front entrance
- Refinishing brick wall in front entrance
- New office carpet
- Removing unused electrical wires and cables
- Repairing drywall

Benefit to the Community:

We feel the restaurant would be an asset to the community in a number of ways, primarily:

1. The Harvest Restaurant has become a known destination place, as such it would benefit our city in terms of pulling traffic from Bismark and other cities.
2. Job creation. We plan to have 15 to 20 new jobs available.
3. Traffic generation to adjacent businesses.
4. We plan to have a meeting & event space that would benefit local businesses.

Harvest LLC
308 W Main – Rehabilitation

Summary of Anticipated Improvements

Fire Suppression System	\$17,890
Other Interior Building Improvements	\$60,000 to \$100,000
Storefront Improvement.....	\$22,683
 Total.....	 \$100,573 - \$140,573
 Less anticipated Storefront matching funds	 \$10,000
Net building investment.....	\$90,573 - \$130,573

Minimum investment required
(50% of building value).....\$45,650



STATE OF NORTH DAKOTA
OFFICE OF STATE TAX COMMISSIONER
Cory Fong, Commissioner

April 27, 2011

Ref: L0236258816

HARVEST LLC
317 N BROADWAY ST
LINTON ND 58552-7022

RE: Renaissance Zone Certificate Of Good Standing, State Income And Sales Taxes Only

This letter is evidence of good standing as required by the North Dakota Division of Community Services for purposes of obtaining final approval of a renaissance zone project.

As of the date of this letter, the records in the North Dakota Office of State Tax Commissioner do not show probable cause to believe that any income taxes (including income tax withheld from wages) or sales and use taxes are due and owing to the State of North Dakota by the following taxpayer:

Taxpayer's Name: HARVEST LLC
SSN or FEIN: 26-3645419

The enclosed copy of this letter must be submitted (as part of the zone project application) to the local zone authority for the renaissance zone in which the proposed zone project will be located. Please keep this original letter for your records.

/s/ Nathan Bergman

Nathan Bergman
Supervisor, Individual Income Tax and Withholding
Phone: (701) 328-1296
Email: nwbergman@nd.gov

Enc.



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 17, 2011
PREPARATION DATE: May 11, 2011
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch
SUBJECT: Budget Policy recommendations from the Budget Committee.

PURPOSE

To consider Budget Policy recommendations from the Budget Committee.

BACKGROUND

The Budget Committee consists of the following members:

- Sandy Tibke, City Commissioner (Finance Portfolio)
- Jim Neubauer, City Administrator
- Greg Welch, Finance Director

The Board of City Commissioners, on September 21, 2010, approved the Significant Budget Policies for the Budget Committee.

The Budget Committee met on May 10, 2011 to review and discuss the Preliminary 2012 Budget. As a result, the Committee has recommended the following Budget Policies:

- Mandan Airport Authority funding:
 1. Beginning in 2012, the Social Security and Medicare match (approx. \$4,600) is to be reimbursed by the Airport Authority.
 2. Operating Subsidy reduction plan:
 - 2012 Budget – reduce from \$21,300 to \$16,000.
 - 2013 Budget – reduce from \$16,000 to \$10,650.
 - 2014 Budget – reduce from \$10,650 to \$5,350.
 - 2015 Budget – reduce from \$5,350 to \$0.

Purpose is for the Airport Authority to become less dependent on the City's General Fund for budget support.

- Morton Mandan Public Library funding:
 1. Beginning in 2012, the Social Security and Medicare match (approx. \$21,350) is to be reimbursed by the Library.
 2. Operating Subsidy reduction plan:
 - 2012 Budget – reduce from \$42,000 to \$31,500.
 - 2013 Budget – reduce from \$31,500 to \$21,000.
 - 2014 Budget – reduce from \$21,000 to \$10,500.
 - 2015 Budget – reduce from \$10,500 to \$0

Purpose is for the Library to become less dependent on the City's General Fund for budget support. However, since the Library operates and maintains the building owned by the City, the Library may need to request funding from the City for any major repairs and maintenance to the building in the future.

- Part-time Temporary Positions:
 1. Hourly rate for Part-time Temporary Positions is to be based on the prior year's Salary Scale at Step A.

Purpose is to establish a uniform guideline for departments to pay the same hourly rate for similar duties performed based on the job description for Part-time Temporary Positions.

- Water and Sewer Utility Rates:
 1. Water and Sewer Utility Rates will not exceed the average city utility rates for the prior year of the other 11 largest cities in the state by 2016.

Purpose is to incrementally move the Water and Sewer Utility Rates to the mid-point over the next five years since, currently, the City's total Rates are \$5.48 above the average total rates for the other 11 largest cities in the state. This Policy would become similar to the existing Mill Levy Policy.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 17, 2011

Subject: Budget Policy recommendations from the Budget Committee.

Page 3 of 3

- Fund Balance Reserves:
 1. City Sales Tax Fund:
 - Minimum balance = \$500,000
 2. Solid Waste Utility Fund:
 - Land acquisition and Transfer Station improvements = \$1,000,000

ATTACHMENT

None

FISCAL IMPACT

See Background above.

STAFF IMPACT

None

LEGAL REVIEW

Submitted to Malcolm Brown, City Attorney, for review.

RECOMMENDATION

To approve the Budget Policy recommendations from the Budget Committee.

SUGGESTED MOTION

Move to approve the Budget Policy recommendations from the Budget Committee.



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 17, 2011
PREPARATION DATE: May 9, 2011
SUBMITTING DEPARTMENT: Assessing Dept
DEPARTMENT DIRECTOR: Richard L Barta
PRESENTER: Richard L Barta
SUBJECT: 5-Year Ad Valorem Tax Exemption for
Randy Rhone D/B/A Little Caesars

STATEMENT/PURPOSE: To consider a five year tax exemption for a commercial structure pursuant to North Dakota Century Code 40-57.1.

BACKGROUND/ALTERNATIVES: Mr. Rhone is asking for an exemption for the construction of a new commercial structure. The Notice to Competitors was published in the April 15th and April 22nd editions of the Mandan News and no competitors have submitted a written protest.

The Mandan Growth Fund Committee reviewed the project during a meeting on May 11 and voted unanimously (5-0 with 4 members absent) to recommend approval of the 100%, five-year tax exemption with the contingency that the exemptions above the 75%, 50% and 25% allowed by policy in years 3, 4, and 5 be granted upon verifying the creation of at least one full-time job equivalent for each \$100,000 in building value subject to the exemption. In this case, that would appear to be five jobs created by the end of year 2 and sustained through year 5.

Also, the County, the School District and the Park District were given notification of this exemption on April 4th and again on May 6th.

Description of project: A multiple unit commercial building that will house Little Caesars pizza and with approximately 2,000 sf available for lease to another business.

Number of jobs to be created: Proposing 10-20 by the end of the 5th year.

This parcel is also known as Parcel #8136-A at 310 6 Ave SE in the Fischer's addition.

ATTACHMENTS: Application.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 17, 2011

Subject: 5-Year Ad Valorem Tax Exemption for Randy Rhone D/B/A Little Caesars

Page 2 of 7

FISCAL IMPACT: Approximately \$10,250.00 per year.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of the requested exemption for Mr. Rhone due to meeting all requirements under state statute and by also receiving a recommendation for approval from the Mandan Growth Fund Committee.

SUGGESTED MOTION: I recommend a motion to approve the request by Mr. Rhone to receive a five year tax exemption for a newly constructed commercial building due to meeting all criteria under North Dakota Century Code 40-57.1, noting that the exemptions above the 75%, 50% and 25% allowed by policy in years 3, 4, and 5 be contingent upon creating and sustaining at least one full-time job equivalent for each \$100,000 in building value subject to the exemption.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 17, 2011

Subject: 5-Year Ad Valorem Tax Exemption for Randy Rhone D/B/A Little Caesars

Page 3 of 7

(May 17th)

#8136-A

Reed

4-4-2011

PRAIRIE VIEW PROPERTIES LLP

3001 Plainview Dr SE
Mandan, ND 58554
Phone (701) 471-9451
Fax (701) 751-0163
Bullmrket@yahoo.

April 4, 2011

Jim Neubauer
City Administrator
205 Second Ave NW
Mandan, ND 58554

Hello Jim,

Here is our application for a property tax exemption. We're planning on building a 3650 sq ft building on the North East Corner of 6th Ave SE and 3rd Street SE (Directly South of Spirit of Life Church). In this new building we would put our Little Caesar Pizza which would occupy 1750 sq ft. The remaining 1900 sq ft would be leased out to another business that would compliment Little Caesars. There is interest in this space by a catering company, video store, sandwich shop, and a cellular company. Little Caesars will employ roughly 20 employees and the lease space should create jobs for 10-20 people. The estimated cost for the building project is \$500,000. Being residents of Mandan we're very excited about opening a Little Caesars here. Please let us know if any other information is needed for the property tax exemption.

Sincerely,



Randy Rhone
Managing Partner

**Application For Property Tax Incentives For
New or Expanding Businesses**

Pursuant to N.D.C.C. Chapter 40-57.1

Project Operator's Application To Mandan
City or County

File with the City Auditor for a project located within a city; County Auditor for locations outside of city limits.

A representative of each affected school district and township is included as a non-voting member in the negotiations and deliberation of this application.

This application is a public record

Identification Of Project Operator

1. Name of project operator Praire View Properties LLP

2. Address of project North East Corner of 6th Ave SE and 3rd Sreet SE
City Mandan County Morton

3. Mailing address of project operator 3001 Plainview Dr SE
City Mandan State ND Zip 58554

4. Type of ownership of project
 Partnership Subchapter S corporation Individual proprietorship
 Corporation Cooperative Limited liability company

5. Federal Identification No. or Social Security No. 27-3131989

6. North Dakota Sales and Use Tax Permit No. _____

7. If a corporation, specify the state and date of incorporation _____

8. Name and title of individual to contact Randy Rhone- Managing Partner
Mailing address 3001 Plainview Dr SE
City, State, Zip Mandan, ND 58554 Phone No. 701-471-9451

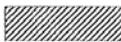
Project Operator's Application For Tax Incentives

9. Indicate the tax incentives applied for and terms. Be specific.

Property Tax Exemption **Payments In Lieu of Taxes**
5 Number of years Beginning year _____ Ending year _____
100 Percent of exemption Amount of annual payments (attach schedule if payments will vary)

10. Which of the following would better describe the project for which this application is being made:
 New business project Expansion of a existing business project

Description of Project Property

11. Legal description of project real property <div style="border: 1px solid black; padding: 5px;">The Southerly 150' of the Westerly 200 feet of lot 2, Block 1, Fischer's First Addition to the City of Mandan; 65-1064100</div>	
12. Will the project property be owned or leased by the project operator? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator? <input type="checkbox"/> Yes <input type="checkbox"/> No If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.	
13. Will the project be located in a new structure or an existing facility? <input checked="" type="checkbox"/> New construction <input type="checkbox"/> Existing facility If existing facility, when was it constructed? _____ If new construction, complete the following: a. Estimated date of commencement of construction of the project covered by this application <u>May 1, 2011</u> b. Description of project to be constructed including size, type and quality of construction <div style="border: 1px solid black; padding: 5px;">50'X75'- 3650 sq ft wood framed building w/ Dryvit, Brick, and Metal Exterior.</div> c. Projected number of construction employees during the project construction <u>25</u>	
14. Approximate date of commencement of operations for this project <u>Sept 1</u>	
15. Estimated market value of the property used for this project: a. Land \$ <u>50,000</u> b. Existing buildings and structures for which an exemption is claimed \$ _____ c. Newly constructed buildings and structures when completed \$ <u>500,000</u> d. Total \$ <u>550,000</u> e. Machinery and equipment \$ <u>150,000</u>	16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent: a. Land (not eligible)  b. Eligible existing buildings and structures \$ _____ c. Newly constructed buildings and structures when completed \$ <u>25,000</u> d. Total taxable valuation of property eligible for exemption (Add lines b and c) \$ <u>25,000</u> e. Enter the consolidated mill rate for the appropriate taxing district <u>0.41</u> f. Annual amount of the tax exemption (Line d multiplied by line c) \$ <u>10,250.00</u>

Description of Project Business

Note: "project" means a newly established business or the expansion portion of an existing business. Do not include any established part of an existing business.

17. Type of business to be engaged in: Ag processing Manufacturing Retailing
 Wholesaling Warehousing Services

18. Describe in detail the activities to be engaged in by the project operator, including a description of any products to be manufactured, produced, assembled or stored (attach additional sheets if necessary).

Leasing 1750sq ft to Little Caesars Carry Out Pizza and 2000 sq ft to another business (not yet known)

19. Indicate the type of machinery and equipment that will be installed

Ovens, Coolers, Dough Making Equipment

20. Projected annual revenue, expense, and net income of the project for each year for the first five years.

Year	1	2	3	4	5
Annual revenue	45000	45000	45000	45000	45000
Annual expense	40000	40000	40000	40000	40000
Net income	5000	5000	5000	5000	5000

21. Projected annual average number of persons to be employed by the project at the project location for each year for the first five years and the estimated annual payroll.

Year	1	2	3	4	5
No. of Employees	(1) 5	5	5	5	5
	(2) 15	15	15	15	15
Estimated payroll	(1) 90,000	90,000	90,000	90,000	90,000
	(2) 110,000	110,000	110,000	110,000	110,000

(1) - full time
 (2) - part time

Previous Business Activity

22. Is the project operator succeeding someone else in this or a similar business? Yes No

23. Has the project operator conducted this business at this or any other location either in or outside of the state?
 Yes No

24. Has the project operator or any officers of the project received any prior property tax incentives? Yes No

If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).

Board of City Commissioners

Agenda Documentation

Meeting Date: May 17, 2011

Subject: 5-Year Ad Valorem Tax Exemption for Randy Rhone D/B/A Little Caesars

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Business Competition

25. Is any similar business being conducted by other operators in the municipality? Yes No

If YES, give name and location of competing business or businesses

Pizza Hut, Pizza Ranch, A&B Pizza, Dominos, Papa Murphys

Property Tax Liability Disclosure Statement

26. Does the project operator own real property in North Dakota which has delinquent property tax levied against it? Yes No

27. Does the project operator own a greater than 50% interest in a business that has delinquent property tax levied against any of its North Dakota real property? Yes No

If the answer to 26 or 27 is Yes, list and explain

Use Only When Reapplying

28. The project operator is reapplying for property tax incentives for the following reason(s):

To present additional facts or circumstances which were not presented at the time of the original application

To request continuation of the present property tax incentives because the project has:

- moved to a new location
- had a change in project operation or additional capital investment of more than twenty percent
- had a change in project operators

To request an additional annual exemption for the year of _____ on structures owned by a governmental entity and leased to the project operator. (See N.D.C.C. § 40-57.1-04.1)

Notice to Competitors of Hearing

Prior to the hearing, the applicant must present to the governing body of the county or city a copy of the affidavit of publication giving notice to competitors unless the municipality has otherwise determined there are no competitors.

I, Randy Rhone, do hereby certify that the answers to the above questions and all of the information contained in this application, including attachments hereto, are true and correct to the best of my knowledge and belief and that no relevant fact pertaining to the ownership or operation of the project has been omitted.

Randy Rhone Signature Managing partner Title 4/4/11 Date

In compliance with the Federal Privacy Act of 1974, Public Law 93-579, the disclosure of the individual's social security number on this form is mandatory pursuant to North Dakota Century Code §§ 40-57.1-03 and 40-57.1-07. An individual's social security number is used as an identification number by the Office of State Tax Commissioner for file control purposes and record keeping.

Certification of Governing Body (To be completed by the Auditor of the City or County)

The municipality shall, after granting any property tax incentives, certify the findings to the State Tax Commissioner and Director of Tax Equalization by submitting a copy of the project operator's application with the attachments. The governing body, on the _____ day of _____, 20____, granted the following:

- Property Tax Exemption** **Payments in lieu of taxes**
- _____ Number of years _____ Beginning year _____ Ending year
- _____ Percent of exemption _____ Amount of annual payments (Attach schedule if payments will vary)

Auditor



New Business No. 6

Board of City Commissioners

Agenda Documentation

MEETING DATE: May 17, 2010
PREPARATION DATE: May 12, 2010
SUBMITTING DEPARTMENT: MPO
DEPARTMENT DIRECTOR:
PRESENTER: Del Wetsch
SUBJECT: Consider for approval, a request for City cooperation for the Rodeo Days and Buggies N Blues Events.

STATEMENT/PURPOSE: To help foster the festivities of Buggies N Blues and Rodeo Days Events.

BACKGROUND/ALTERNATIVES: The attached documents list a number of requests by the Rodeo Days Committee and the Musicians Association, that they feel are needed to help make the activities a success.

ATTACHMENTS: 1. Letters of Request

FISCAL IMPACT: Minimal

STAFF IMPACT: The use of City staff is being requested for both events

LEGAL REVIEW: N/A

RECOMMENDATION: This office supports the requests as listed.

SUGGESTED MOTION: I move to approve the requests as listed.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 17, 2010

Subject: Consider for approval, a request for City cooperation for the Rodeo Days and Buggies N Blues Events.

Page 2 of 5



To: Mandan City Commission
Fr: Mandan Rodeo Committees
Re: Street Closing and Parking Lot requests

The Mandan Rodeo Days Committee consisting of Art in the Park and Parade and Rodeo would like to request the assistance of the city commission for the following items held in conjunction with the Mandan Rodeo Days celebration.

- * Closing 300 and 400 blocks of west main street on Saturday July 2nd at 6:30 am to Monday July 4th at 8:00 pm. Security guard will open the streets at 10:00 pm Saturday night and Sunday nights. Streets remain closed during the Art and the Park Festival hours on Sunday from 6:00 am to 10:00 pm and on Monday from 6:30 am to 8:00 pm.
- Stop sign placement at the corners of 300 and 400 blocks of 1st St. NW from July 2 thru July 4th.
- No parking on Main Street from 1:00 am Monday July 4th until the completion of the July 4th parade. The Street Festival begins on July 4th at 8:00 am. followed by the classic car parade at 8:15 am. The world's longest dance "Twist" begins at 9:00 am followed by the July 4th parade at 10:00 am. Parade will leave Dacotah Centennial Park at 9:30 am. Shut traffic on Main at 8:00 am.
- Cone off south lane of Main Street from 8th Ave. NW to 400 block NW on West Main for the Annual Rodeo Days Walk and Run. Starts at Mandan Depot. Registration begins at 7:30 am.
- Secure city parking lots on East and West side of Papa Murphy's for Rodeo Days events. Parking will be secured for Papa Murphy's by Art in the Park parking committee. Placement of no parking signage and barricades by Friday July 1st.
- Helicopter rides at Dacotah Centennial Park on July 2 thru July 4th. Insurance certificate provided to city of Mandan and Mandan Park District.
- Assistance at closing and coning off Main Street 300 and 400 blocks on the morning of July 2nd for Art in the Park setup.
- Delivery of 2 detour signs and an east and west merging traffic sign 8 no parking signs and a street closed sign for 3rd Ave., 6 barricades, and 2 stop signs at 300 and 400 corners of 1st St. Will work out delivery instruction with Mandan Police and city Shop director Jeff Wright.
- Secure parking lot east of John Iverson with the consent of owner Al Leingang and Work with Jeff Wright to secure lot for art and craft vendor parking.

411 West Main • Mandan, North Dakota 58554
701-751-2983 • Cell: 701-220-2959

E-mails: dwetsch@mandanprogress.org • thelmers@mandanprogress.org

Board of City Commissioners

Agenda Documentation

Meeting Date: May 17, 2010

Subject: Consider for approval, a request for City cooperation for the Rodeo Days and Buggies N Blues Events.

Page 3 of 5

On behalf of the Mandan Rodeo Days committees, which include Art in the Park and Parade committees would like to thank the city of Mandan and its departments for all their help and assistance I bringing this great event to the community. It is truly appreciated.

Sincerely,
Del Wetsch
Executive Director
Mandan Progress Organization

Neil Ness
Chairman
Mandan Rodeo

Colleen Rinas
President
Art in the Park Committee

Dennis Freisz
Marlo Anderson
Parade Chairman

Board of City Commissioners

Agenda Documentation

Meeting Date: May 17, 2010

Subject: Consider for approval, a request for City cooperation for the Rodeo Days and Buggies N Blues Events.

Page 4 of 5



**Musicians Association &
Buggies-n-Blues**

P O Box 88

Mandan, ND 58554

Phone: 258-8876

E-mail: vernoncermak59@gmail.com

April, 2011

Mayor Tim Helbling
Mandan City Hall
205 2nd Ave. NW
Mandan, ND 58554

Members of the Commission:

The Musicians Association and the Mandan Progress Association is sponsoring Buggies-n-Blues event which will include a Saturday, June 11th dance and a Sunday June 12th.

To that end we are submitting the following request:

Saturday, June 11th

- The use of the Bob Dykshorn Park area for a dance on Saturday, June 11th
- Permission for the beer garden starting at 4:00 p.m. until 1:00 a.m. in the Bob Dykshorn Park
- The posting and removing of "No Parking" signs from 6th Ave NW to 2 Ave NE. on Main Street and on 1st, 2nd, 3rd, 4th, and 5th Ave. NW, Collins Ave. and 1st Ave. NE to the alley areas. We suggest that the signs be posted before Saturday, June 11, prior to midnight. "No Parking" is requested from 6:00 AM Sunday, until the removal of the barricades on Sunday following the event. (Approx. 7:00 PM on Sunday)
- Posting of "NO PARKING" in city lot west and east of former John Iverson Building.
- We request a police escort on Saturday night for "The Parade of Classics". The cars will gather near the Mandan Community Center with the parade beginning at 8:00 PM. The scheduled parade route is down 6th Ave NW than continue east on Main to Burger King.

Sunday, June 12th

- Closing of Main Street from 6th Ave. NW to 2nd Ave NE
- Closing of 1st, 2nd, 3rd, 4th and 5th Ave. NW, Collins Ave. and 1st Ave. NE to the alley area.
- The use of all available parking lots from the former Mandan Depot area along and south of Main Street
- Posting of no parking in the lot east of Cass Clay
- The city will provide detour and detour ahead signs

Board of City Commissioners

Agenda Documentation

Meeting Date: May 17, 2010

Subject: Consider for approval, a request for City cooperation for the Rodeo Days and Buggies N Blues Events.

Page 5 of 5

- Request for a beer garden on Sunday, June 12th from Noon until 5:00 PM in the Bob Dykshorn Park

Request of the Mandan Police Department

Prior to event

- To notify patrons that have rented parking spaces in city lots, not to use those areas during the requested times. The Musicians Association will cover cost of notification.

Saturday, June 11th

- Provide a police escort for the Saturday night parade of vehicles.
- To assist with the removal of parked cars on the NO PARKING ZONES starting after 1:00 AM on Sunday

Sunday, June 12th

- Provide traffic cones with delivery by the Mandan Police Dept. at 6:30 AM Sunday (Meeting at M & H)
- Two officers on bicycles on Sunday if possible. Time to be determined by the MPD.
- To assist in traffic control and closing the streets on Sunday morning starting at 6:30 AM and in reopening the streets Sunday at 7:00 PM.

The possibility of having Main Street washed/cleaned prior to 6:30 a.m Sunday, June 12th.

We thank you for the consideration of our requests.

Vern Cermak

Vernon Cermak

Musicians Association
Buggies-n-Blues, Chairman

Del Wetsch

Del Wetsch

Mandan Progress Organization, Director



New Business No. 7

Board of City Commissioners

Agenda Documentation

MEETING DATE: May 17, 2011
PREPARATION DATE: May 13, 2011
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Debt Management

STATEMENT/PURPOSE: To consider asking the Finance Committee to bring back alternatives for debt management plan.

BACKGROUND/ALTERNATIVES: The Board of City Commissioners met in a special working session on May 9 to discuss issues related to the amount of debt that exists for the City of Mandan. Several alternatives were discussed in addition to the pros and cons of those alternatives. In order that the discussion be narrowed down it was suggested that the Finance Committee be tasked with bring back a few alternatives for the Board to consider which would allow the city to continue its growth and at the same time pay down our debt.

ATTACHMENTS:

FISCAL IMPACT:

STAFF IMPACT:

LEGAL REVIEW:

RECOMMENDATION: I recommend the Board ask the Finance Committee to bring back three alternatives relating to a debt management policy.

SUGGESTED MOTION: I move to have the Finance Committee bring back three alternatives relating to a debt management policy to the Board for consideration on or before the June 21st Commission meeting.



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 17, 2010
PREPARATION DATE: May 13, 2011
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider the creation of, approve the feasibility report for and authorize the advertisement of the Resolution of Necessity for Street Improvement District No. 161 Areas Project # 2010-03. (Dianes Area).

STATEMENT/PURPOSE: To create a special assessment district and authorize the required paperwork for the requested project.

BACKGROUND/ALTERNATIVES: This project will take place in the Dianes Area in NE Mandan. The project limits are primarily from Collins Avenue to 8th Avenue NE from 5th Street NE to I94. The project will consist of a crack sealing, curb & gutter repair, valley gutter replacement, asphalt patching, asphalt overlay, and chip seal. The area south of Division Street NW will be utilizing a mill & till reconstruction in which the entire road surface will be ground into the subbase and concrete stabilized and new asphalt put on top. Adequate time will be given for the resolution and the estimated specials numbers to be delivered to the residents and for them to protest if needed.

ATTACHMENTS: 1. District Map

FISCAL IMPACT: No estimate has been established at this time as we wait for the profile of the mill & till to be delivered. This item will be brought back to the commission with cost per lot numbers at the next meeting and an advertising element. Any letters sent will include that amount once the full estimate is established.

STAFF IMPACT: The City staff will be in charge of running and administering the Construction Engineering with this project.

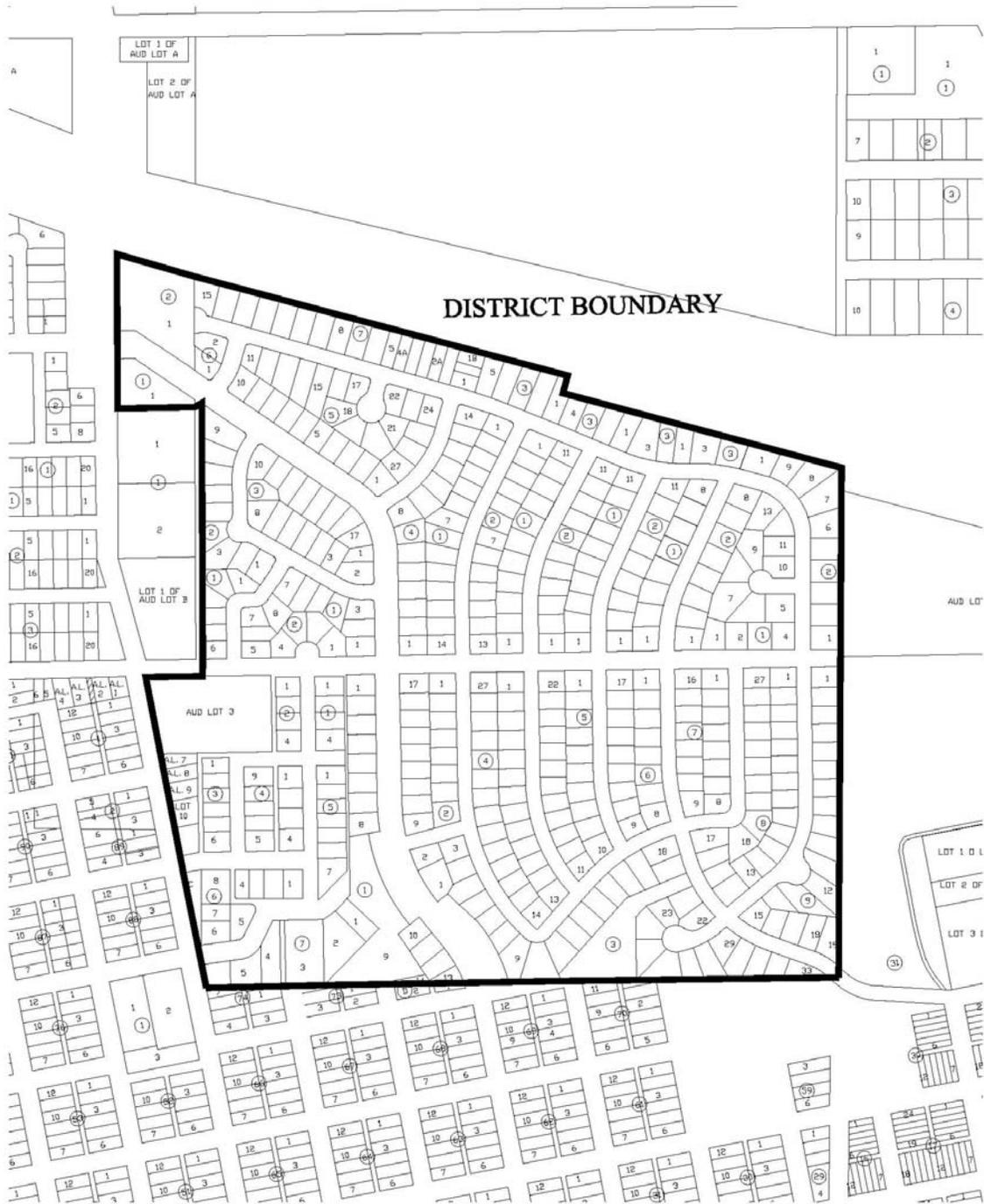
LEGAL REVIEW: All of my commission data has been forwarded to the City Attorney for his review.

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: : I move to approve the resolutions creating, approving the feasibility report for, declaring the necessity for the Street Improvement project.

Board of City Commissioners
Agenda Documentation
Meeting Date: May 17, 2011

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for, and authorize the advertisement of the Resolution of Necessity for Street Improvement District No. 161 Areas Project # 2010-03. (Dianes Area).





Board of City Commissioners

Agenda Documentation

MEETING DATE: May 17th, 2011
PREPARATION DATE: May 11th, 2011
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider a change of zoning from A (Agricultural) to CB Restricted (Heavy Commercial) for Lakewood Commercial Park 5th Addition.

STATEMENT/PURPOSE: The purpose of the zone change is to build an apartment complex.

BACKGROUND/ALTERNATIVES: The zone change was approved by the Planning & Zoning Commission on April 25th. The majority of the lot is already zoned CB Restricted (Heavy Commercial). This is restricted to CA (Light Commercial and Services) uses with residential allowed. The plat includes a strip of land that runs along the west boundary line. This was zoned A (Agricultural). This zone change allows this piece of land to match the existing parcel.

ATTACHMENTS: 1. Office Report
2. Map
3. Ordinance 1095

FISCAL IMPACT: Minimal.

STAFF IMPACT: Minimal.

LEGAL REVIEW: All of my commission data has been forwarded to the City Attorney for his review.

RECOMMENDATION: To change the zoning to CB Restricted (Heavy Commercial).

SUGGESTED MOTION: To approve the zone change of Lakewood Commercial Park 5th Addition from A (Agricultural) to CB Restricted (Heavy Commercial).

April 19, 2011

Applicant(s): Patrick Wachter, Jessara, LLC

Owner(s): same

Developer(s):

Requested Action: Zone Change Approval

Name of Subdivision: Lakewood Commercial Park 5th

Legal Description: Lot 2, Block 2, Lakewood Commercial Park 4th and Auditor's Lot "K" of Gov't Lot 1 and NE ¼ of Section 1, Township 138, Range 81.

Located: Northwest corner of 40th Avenue SE and Shoal Loop.

Parcel Acreage: 3.35

Existing Land Use: vacant

Proposed Land Use: Apartment complex

Adjacent Land Use: Commercial and Multi-Family Residential

Existing Zoning: CB Restricted (Heavy Commercial) and A (Agricultural)

Proposed Zoning: CB Restricted (Heavy Commercial)

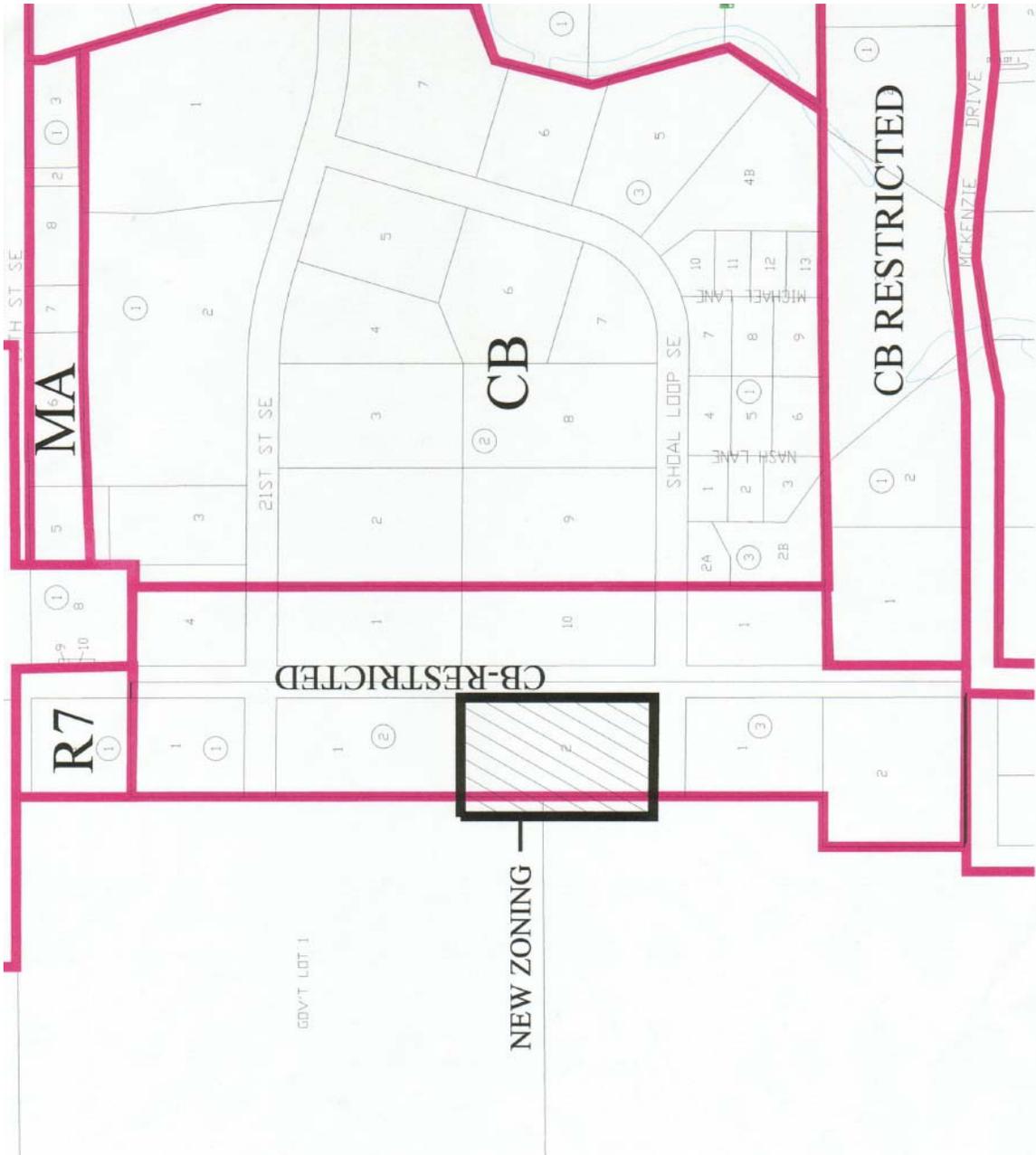
Adjacent Zoning: CB Restricted (Heavy Commercial), CB (Heavy Commercial), A (Agricultural).

Fee(s) Required: \$150.00 Date Received: March 31, 2011

Adjacent Property Owner Notification: Letters were sent April 11, 2011

Dates of Legal Notices: May 6th and 13th, 2011

Recommendations: The Planning Office recommends approval.



ORDINANCE NO. 1095

**AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF THE
MANDAN MUNICIPAL CODE RELATING TO DISTRICT
BOUNDARIES AND ZONING MAP.**

BE IT ORDAINED By the Board of City Commissioners of the City of Mandan,
North Dakota, as follows:

SECTION 1. AMENDMENT. Section 21-03-02 of the Mandan Municipal Code is
amended to read as follows:

The following described property located within the City of Mandan shall be
excluded from the A (Agricultural) zoning and shall be included in the CB (Heavy
Commercial) Restricted to CA (Light Commercial and Services) uses with residential
allowed namely,

Lakewood Commercial Park 5th Addition in Section 1, Township 138N,
Range 81W .

and as so amended said section is hereby reenacted. The purpose of the zone change is
the construction of condominiums. The city administrator is authorized and directed to
make the necessary changes upon the official zoning map of the city in accordance with
this section.

President, Board of City Commissioners

Attest:

City Administrator

Public Hearing:	<u>April 25, 2011</u>
First Consideration:	<u>May 17th, 2011</u>
Second Consideration and Final Reading:	<u>June 7th, 2011</u>
Publication Date:	_____
Recording Date:	_____



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 17, 2011
PREPARATION DATE: May 11, 2011
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch
SUBJECT: Resolution of Amendment Authorizing the Issuance of Sewer Improvement Interim Certificates of 2008, Series A and Sewer Improvement Revenue Bonds of 2008, Series A, and the State Revolving Fund Program Loan Agreement with the North Dakota Public Finance Authority for Improvements at the Wastewater Treatment Facility.

PURPOSE

To consider a Resolution of Amendment Authorizing the Issuance of Sewer Improvement Interim Certificates of 2008, Series A and Sewer Improvement Revenue Bonds of 2008, Series A, and the State Revolving Fund Program Loan Agreement with the North Dakota Public Finance Authority for Improvements at the Wastewater Treatment Facility.

BACKGROUND

The Board of City Commissioners, on August 19, 2008, approved a Resolution Authorizing Undertaking for Municipal Improvement Consisting of Wastewater Treatment Facility Biosolid Removal Improvements.

On September 16, 2008, the Board of City Commissioners approved a Resolution Authorizing the Issuance of Sewer Improvement Interim Certificates of 2008, Series A and Sewer Improvement Revenue Bonds of 2008, Series A to finance the cost of the Improvements at the Wastewater Treatment Facility through the State Revolving Fund (SRF) Program.

The Resolution of Amendment makes certain changes to the earlier issuance Resolution to reflect the final SRF project cost and final maturity terms for the Revenue Bonds to be issued for the financing. The changes are as follows:

- Loan amount from \$1,705,100 (original) to \$1,679,763 (final).
- Final maturity date is September 1, 2028.

Currently, the outstanding principal balance on the Loan is \$1,545,663.

ATTACHMENT

Resolution of Amendment

FISCAL IMPACT

No additional debt is occurring since the temporary financing (Sewer Improvement Interim Certificates of 2008, Series A) is now being exchanged with the permanent financing (Sewer Improvement Revenue Bonds of 2008, Series A) as required by the State Revolving Fund Program Loan Agreement.

STAFF IMPACT

None

LEGAL REVIEW

The Resolution was prepared by Steven L. Vogelpohl, Attorney At Law, on behalf of the City.

RECOMMENDATION

To approve the Resolution of Amendment.

SUGGESTED MOTION

Move to approve the Resolution of Amendment.

STEVEN L. VOGELPOHL
ATTORNEY AT LAW

Suncrest Office Park
1120 College Drive, Suite 207
P.O. Box 7068
Bismarck, ND 58507-7068

Phone: (701) 258-9847
FAX: (701) 258-9854
E-Mail: slv@slvlaw.net

May 10, 2011

Greg Welch
City of Mandan
205 2nd Ave. NW
Mandan, ND 58554

Re: CWSRF Loan - Wastewater Biosolids Project

Dear Greg:

Pursuant to our earlier conversation, I enclose the Resolution of Amendment for adoption by the Commission at its May 17 meeting. As we discussed, the Resolution makes certain changes to the earlier issuance resolution to reflect the final SRF project cost and final maturity terms for the revenue bonds to be issued for the financing.

If you could fax me the filled in voting record page (*i.e.*, page 4), I will prepare copies of the Resolution for execution at the time of signing of the balance of the final loan documents.

Thank you for your assistance and please contact me if you've any questions.

Sincerely,



Steven L. Vogelwohl
Attorney at Law

SLV/dl
08-012/051011.ltr

Enc.

c: Malcolm H. Brown (w/Enc)

CITY OF MANDAN, NORTH DAKOTA

RESOLUTION OF AMENDMENT

WHEREAS, the City of Mandan, North Dakota (the "City") has authorized and made certain improvements to its water and sewer utility, including, but not limited to, wastewater treatment facility improvements by acquisition of vehicles and other equipment for removal and application of facility biosolids and construction of related load out facility, storage building and access road, as well as all other items of work and materials reasonably necessary or incidental to the completion of such improvements (the "Project");

WHEREAS, the City, pursuant to resolution of its governing body adopted September 16, 2008, entitled "Resolution Authorizing the Issuance of Sewer Improvement Interim Certificates of 2008, Series A and Sewer Improvement Revenue Bonds of 2008, Series A" (the "Resolution Authorizing Issuance") authorized its Sewer Improvement Interim Certificates of 2008, Series A (the "Interim Certificates") and its Sewer Improvement Revenue Bonds of 2008, Series A (the "Bonds") to finance the costs of the Project and authorized the State Revolving Fund Program Loan Agreement dated as of September 16, 2008 (the "Loan Agreement") entered pursuant thereto between the City and the North Dakota Public Finance Authority (the "Authority");

WHEREAS, pursuant to the Resolution Authorizing Issuance, the City issued Interim Certificates which are presently outstanding;

WHEREAS, the Project is complete and the City desires to exchange Interim Certificates for Bonds pursuant to the Resolution Authorizing Issuance;

WHEREAS, amendment of the Resolution Authorizing Issuance and the Loan Agreement is necessary; and

WHEREAS, the City desires to effect such amendments with the concurrence of the Authority;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the governing body of the City as follows:

1. That the second "WHEREAS" paragraph on page 1 of the Resolution Authorizing Issuance is amended to read as follows:

WHEREAS, improvements are made to the Utility including, but not limited to, wastewater treatment facility improvements by acquisition of vehicles and other equipment for removal and application of facility biosolids and construction of related load out facility, storage building and access road, as well as all other items of work and materials reasonably necessary or incidental to the completion of such project (the "Project") at a total cost of not less than \$1,545,663;

2. That Section 3 of the Resolution Authorizing Issuance is amended to read as follows:

Section 3. Terms of the Bonds. The Bonds delivered for the purpose of redeeming the Interim Certificates shall be initially dated the last date to which interest has been paid in full on the Interim Certificates redeemed. Bonds issued upon exchanges and transfers of Bonds before the first interest payment date of the Bonds shall also be dated as of the date of initial issuance. Bonds issued upon exchanges or transfers after the first interest payment date of the Bonds shall be dated as of March 1 or September 1 next preceding their issuance, or if the date of issuance shall be a March 1 or September 1, as of such date; provided, however, that if interest on the Bonds shall be in default, the Bonds shall be dated as of the date to which interest has been paid in full on the Bonds being transferred. The Bonds shall be issued in fully registered form in denominations of \$1,000 or any integral multiple thereof or as otherwise agreed by the Authority and the President of the Board of City Commissioners and City Administrator, of single maturities. The Bonds shall be numbered in consecutive numerical order from R-1 upwards as issued and shall mature on September 1 in the years and in the amounts and shall bear interest at the rate as set forth in Attachment 1 to this Resolution.

Interest on the Bonds and, upon presentation and surrender thereof to the Bank of North Dakota as paying agent and registrar of the Bonds (the "Paying Agent" or "Registrar") or its successor, the principal thereof, shall be payable in lawful money of the United States of America by check or draft or by deposit to the registered owner's account at the Bank of North Dakota. Interest shall be payable on March 1 and September 1 in each year, commencing on the next March 1 or September 1 after the date upon which the Bonds commenced the accrual of interest, to the person in whose name the bond is registered at the close of business on the 15th day (whether or not a business day)

of the immediately preceding month. Interest on the Bonds shall cease at maturity or on a date prior thereto on which they have been duly called for redemption unless the holder thereof shall present the same for payment and payment is refused.

The Bonds shall be payable from the Revenue Bond Account, as set out in Section 8 hereof.

3. That ATTACHMENT 1 to the Resolution Authorizing Issuance is amended to read as provided in ATTACHMENT B to this Resolution of Amendment.
4. That ATTACHMENT 3 to the Resolution Authorizing Issuance is amended to read in substantially the form as ATTACHMENT C to this Resolution of Amendment.
5. That the word "Resolution" as used in the Resolution Authorizing Issuance and in the Bonds thereby authorized and the term "Municipal Bond Resolution" as used in the Loan Agreement shall, without further requirement of any change to such documents and upon the taking effect of this Resolution of Amendment, mean the Resolution Authorizing Issuance as amended by this Resolution of Amendment.
6. That this Resolution of Amendment shall be in full force and effect upon execution of the North Dakota Public Finance Authority Consent attached hereto as ATTACHMENT A.

Dated this 17th day of May, 2011.

CITY OF MANDAN, NORTH DAKOTA

Attest:

President, Board of City Commissioners

City Administrator

(S E A L)

The governing body of the City of Mandan, North Dakota acted on the foregoing resolution on May 17, 2011, as follows:

Adoption moved by _____ Seconded by _____

"Aye" _____

"Nay" _____

Absent _____

and after vote the presiding officer declared the resolution adopted.

ATTACHMENT A

NORTH DAKOTA PUBLIC FINANCE AUTHORITY CONSENT

The North Dakota Public Finance Authority (the "Authority") hereby approves and consents to adoption of the annexed Resolution of Amendment and the amendments made thereby to the Resolution Authorizing Issuance referred to therein.

Dated as of the _____ day of _____, 2011.

NORTH DAKOTA PUBLIC FINANCE AUTHORITY

By _____

Title _____

CITY OF MANDAN, NORTH DAKOTA

SEWER IMPROVEMENT
INTERIM CERTIFICATES OF 2008, SERIES A

AND

SEWER IMPROVEMENT
REVENUE BONDS OF 2008, SERIES A

SCHEDULE OF MATURITIES AND INTEREST RATES

The principal amount of Sewer Improvement Revenue Bonds of 2008, Series A (the "Bonds"), as finally determined pursuant to the terms of the annexed resolution, will mature in annual amounts payable on September 1 in each year as agreed by the Authority and the President of the Board of City Commissioners and City Administrator at the date of original issuance, commencing in 2011, with final maturity in 2028. The interest on the outstanding principal amount of the Bonds shall be payable at an annual rate of 2.5% on each March 1 and September 1 during which the Bonds are outstanding. The principal maturing in each of the years shall be determined as of the date of issuance of the Bonds for the redemption of the Sewer Improvement Interim Certificates of 2008, Series A (the "Interim Certificates") by determining, to the nearest denomination of \$1,000 or other amount agreed to by the Authority and the President of the Board of City Commissioners and City Administrator, the closest amount to equal annual payment of principal and interest on the Bonds as agreed to by the Authority and the President of the Board of City Commissioners and City Administrator.

The Interim Certificates shall bear interest at an annual rate of 2.5% from their date of authentication until the date of their redemption which accrued interest shall be payable on each March 1 and September 1 until the date of redemption.

ATTACHMENT C

ATTACHMENT 3

(BOND FORM)

UNITED STATES OF AMERICA
STATE OF NORTH DAKOTA
COUNTY OF MORTON
CITY OF MANDAN

SEWER IMPROVEMENT REVENUE BOND OF 2008, SERIES A

No. R-

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATE OF ORIGINAL ISSUE</u>
2.50%		March 1, 2011

REGISTERED OWNER: North Dakota Public Finance Authority, Bismarck, North Dakota

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS that the City of Mandan, Morton County, North Dakota (the "Issuer"), a duly organized and existing municipal corporation, acknowledges itself specially indebted and for value received hereby promises to pay to the registered owner specified above or registered assigns, the principal amount specified above, but only from the Revenue Bond Account (the "Revenue Bond Account") of its Water and Sewer Utility Fund (the "Fund") on the maturity date specified above, with interest thereon from the date hereof at the annual rate specified above, payable on March 1 and September 1 in each year, commencing September 1, 2011, to the person in whose name this Bond is registered at the close of business on the 15th day (whether or not a business day) of the immediately preceding month, all subject to the provisions referred to herein with respect to the redemption of the principal of this Bond before maturity. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by the Bank of North Dakota, Bismarck, North Dakota, as Registrar and Paying Agent or its successor, by check or draft or by deposit to the registered owner's account at the Bank of North Dakota.

This Bond is one of a single series of Bonds authorized for issuance in the aggregate principal amount of not to exceed \$1,545,663.00, all of like date of original issue, and tenor except as to serial number, denomination, interest rate and maturity

date, issued for the purpose of providing funds for construction and acquisition of wastewater treatment facility biosolid removal improvements and equipment for the Issuer's Water and Sewer Utility (the "Utility"), and is issued pursuant to and in full conformity with the Constitution and laws of the State of North Dakota, including North Dakota Century Code Chapter 40-35, and pursuant to and in full conformity with ordinances and resolutions duly adopted by the City, including Mandan Code of Ordinances Chapter 9-01 (the "Ordinance") and the Resolution Authorizing the Issuance of Sewer Improvement Interim Certificates of 2008, Series A and Sewer Improvement Revenue Bonds of 2008, Series A adopted by Issuer's Board of City Commissioners on September 16, 2008 and amended by such Board of City Commissioners on May 17, 2011 (the "Resolution"). This Bond, including interest hereon, is payable solely from the net revenue of the Utility pledged pursuant to the Ordinance and the Resolution to the payment thereof and does not constitute a debt of the City within the meaning of any constitutional or statutory limitation. The Bonds of this series are issuable only as registered bonds in the denominations as provided in the Resolution, of single maturities.

The Bonds of this series are subject to redemption and prepayment prior to maturity only with the written consent of the North Dakota Public Finance Authority. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the owner without charge, representing the remaining principal amount outstanding.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the Issuer at the principal office of the Registrar by the registered owner hereof in person or by his attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered owner or his attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange, the Issuer will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange.

The Issuer and the Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the Issuer nor the Registrar shall be affected by any notice to the contrary.

It is hereby certified, recited, covenanted and agreed that all acts, conditions and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen and to be performed precedent to and in the valid issuance of this Bond, have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required; that the Issuer has duly

established the Revenue Bond Account as a separate and special account of the Fund and will credit and pay into the Revenue Bond Account as received, out of the net revenues of the Utility as defined in the Ordinance, sums sufficient to pay the principal and interest when due on each and all of the Bonds of this series and all other bonds payable from the Revenue Bond Account, and to create and maintain a reserve securing such payments, and will use the moneys in the Revenue Bond Account for no other purposes; that the Issuer has fixed and established, and will collect reasonable rates, charges and rentals for all services, facilities, commodities and benefits furnished by the Utility and by any improvements, betterments, extensions and enlargements thereof and will amend and revise the same from time to time to the extent required to produce net revenues sufficient to pay into the Revenue Bond Account the sums herein agreed; that in and by the Resolution and the Ordinance the Issuer has made the Bonds of this series subject to all of the terms and provisions contained in the Ordinance and has made other and further covenants and agreements with the holders from time to time of each and all of the Bonds, which covenants and agreements will be fully and promptly complied with by the Issuer and each and all of its officers and agents at all times until this Bond and interest hereon have been fully paid or the obligation of the Issuer hereon has been otherwise defeased and discharged as provided in the Resolution; and that the Bonds of this series are issued payable on a parity with the Issuer's Sewer Improvement Revenue Bonds of 1997, Water Improvement Revenue Bonds of 2002 and Water and Sewer Revenue Bonds, Series 2005, and that no additional obligations will be issued or incurred and made payable from the aforementioned net revenues of the Utility on a parity with the Bonds of this series except as set forth in the Ordinance, to which reference is hereby made for details and covenants and recitals of the City with respect thereto.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be executed on its behalf by the signatures of the President of its Board of City Commissioners and its City Administrator and has caused this Bond to be dated as of the date set forth below.

DATED: March 1, 2011

ATTEST:

CITY OF MANDAN, NORTH DAKOTA

City Administrator

President, Board of City Commissioners

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds delivered pursuant to the within-mentioned Resolution.

Bank of North Dakota
Bismarck, North Dakota, as Registrar

By _____
Authorized Representative